

1 Q. (BY MS. KRAMER) And the City  
2 pointed you to this General Order, correct?

3 A. They gave it to me, yes.

4 Q. And this General Order was issued  
5 in 1993; is that right?

6 A. Well, that's what it says, yes.

7 Q. And this was provided to you for  
8 your audit of sex-related crimes from January 2018  
9 to July 2022; is that right?

10 MR. LAKEY: Object to form.

11 A. Yes.

12 Q. (BY MS. KRAMER) Was there no more  
13 recent policy that the City provided for you?

14 A. No.

15 Q. Based on your experience, should  
16 JCPD have updated this policy at some point over the  
17 30-year period?

18 A. You would -- I would like to see a  
19 department update a policy from 1993, you know,  
20 specifically because it's -- there probably has --  
21 some changes have occurred in the collection of  
22 evidence for forensic analysis or something.

23 But, you know, this is not a --  
24 this is not a policy that usually stays within the  
25 past couple of years, but I would have liked to have

1 seen an updated version of this. And I think that's  
2 what we addressed in our findings with things that  
3 could be updated in the policy or in the General  
4 Order.

5 Q. Following the A through N list on  
6 Page 16 of your report, it states, "Our audit of  
7 case files found multiple investigations where the  
8 officers failed to document their preliminary  
9 investigation or did not sufficiently conduct a  
10 preliminary investigation."

11 Did I read that correctly?

12 A. Yes, ma'am.

13 Q. Did you find that, in practice,  
14 JCPD investigations violated General Order 600.02?

15 MR. LAKEY: Object to form.

16 A. No. I found that some were good  
17 and some were bad. It's not -- it wasn't like  
18 everyone was a failure, but there was -- it was a --  
19 and that's the reason why I used the language that I  
20 used, was that, you know, whether -- you can't give  
21 people credit for things they do unless they  
22 don't -- they do them, right? So even if an officer  
23 did a proper preliminary investigation but didn't  
24 write it down in the report, I can't give them  
25 credit for it.



1                   So did I find evidence in the  
2                   assessment of the 326 where the officer did a good  
3                   preliminary? Yes. But I also found cases where  
4                   there was not a good preliminary investigation done  
5                   or a documentation of a good preliminary  
6                   investigation, which is why I -- we identified  
7                   those.

8                   Q.           (BY MS. KRAMER) Of the case files  
9                   where there was documentation for you to evaluate  
10                  the quality of the preliminary investigation, how  
11                  often did those meet the criteria set forth in  
12                  General Order 600.02?

13                  A.           I don't know sitting here. I mean,  
14                  it's in the data sets that we provided, but the  
15                  problem is that we're -- you know, you have to go  
16                  back through all -- there's a lot here to get -- to  
17                  do an assessment, we're talking about eight months  
18                  worth of data analysis and reading and detail. So,  
19                  you know, the information's there. But I don't know  
20                  as I sit here today, you know, how many were done,  
21                  this one little preliminary investigation, how many  
22                  were done correctly or not correctly. I came to the  
23                  conclusion that a percentage of them, a significant  
24                  percentage of them, were not done correctly, which  
25                  is why I made the finding.

1 MS. KRAMER: Okay. It's one minute  
2 before 1:30. So I think we'll take a break  
3 here for lunch, and we can go off the  
4 record.

5 VIDEOGRAPHER: Okay. We are now  
6 off the record. The time is 1:29 p.m.  
7 Eastern time.

8 (Off the record at 1:29 p.m.)

9 (On the record at 2:37 p.m.)

10 VIDEOGRAPHER: Okay. We are now  
11 back on the record. The time is 2:37 p.m.  
12 Eastern time.

13 BY MS. KRAMER:

14 Q. Mr. Daigle, before the break we  
15 were talking about preliminary investigation  
16 portions of sex-related crimes, and I'd like to draw  
17 your attention to Page 17 of your report.

18 And can you read the first two  
19 sentences of the full paragraph at the top of  
20 Page 17, please?

21 A. "Experienced investigators  
22 understand that physical evidence is located,  
23 collected, and analyzed for the investigation and  
24 prosecution of a criminal act. This is extremely  
25 important in sex-related crimes since physiological

1 fluids, DNA, trace evidence, and drugs can be  
2 difficult to locate and secure."

3 Q. Mr. Daigle, do you stand by that  
4 statement?

5 A. I do.

6 Q. And looking down at Recommendation  
7 3(a), the report states, "JCPD should develop a  
8 checklist for all sex-related investigations by  
9 responding officers and supervisors to ensure  
10 consistency in collecting and documenting evidence."

11 Do you stand by that  
12 recommendation?

13 A. I do, yes.

14 Q. Do you know if JCPD ever developed  
15 a checklist for all sex-related investigations?

16 A. I do not.

17 Q. Looking at Part B of your finding  
18 No. 3, the report states, "JCPD's securing of crime  
19 scenes and using search warrants to document  
20 evidence were found to be insufficient."

21 Do you see that?

22 A. Yes, ma'am.

23 Q. And what led you to make this  
24 finding?

25 A. The audit, reviewing of the

1 reports, and the actions identified on the reports.

2 Q. And is this finding a finding based  
3 on your overall review of the case files?

4 A. Yes, ma'am.

5 Q. And you would not reach this  
6 finding based on one failure to use a search  
7 warrant, correct?

8 A. No.

9 Q. And you wouldn't base this finding  
10 on a single instance of failure to secure a crime  
11 scene, correct?

12 A. No, ma'am.

13 Q. You have a reference on this page  
14 in Footnote 4 to an IACP Model Policy for  
15 Investigating Sexual Assaults.

16 Do you see that?

17 A. Yes, ma'am.

18 Q. And sitting here today, do you know  
19 how that Model Policy compares to the policy in  
20 place at JCPD when you were conducting your audit?

21 MR. LAKEY: Objection to the form.

22 A. Not on a line-by-line analysis. It  
23 would just be that that -- we're supporting the --  
24 supporting the finding that industry standards  
25 express detailed considerations for evidence

1 collection and crime scene response and utilizing  
2 the International Chiefs of Police's Model Policy on  
3 investigating sexual assaults as an example of that.

4 Q. (BY MS. KRAMER) And so is it fair  
5 to say that your finding is that JCPD's securing of  
6 the crime scene fell below that industry standard?

7 MR. LAKEY: Objection to form.

8 A. In cases that we looked at yes.

9 Q. (BY MS. KRAMER) And is it fair to  
10 say that JCPD's use of search warrants to document  
11 evidence also fell below industry standards?

12 MR. LAKEY: Objection to form.

13 A. Based on our review of some of the  
14 cases, yes.

15 Q. (BY MS. KRAMER) We talked earlier  
16 about the words policy and practice, and you  
17 described the -- well, I won't ask you that same  
18 question.

19 But how do you -- how do you  
20 define -- sorry. Strike that.

21 I asked you before about policies  
22 and procedures, and you described how that has sort  
23 of changed over time in the industry, the  
24 understanding of those two words.

25 Is that fair?

1 MR. LAKEY: Object to the form.

2 A. Yes, that's fair.

3 Q. (BY MS. KRAMER) Can you summarize  
4 again how you view the use of the words policy and  
5 procedure?

6 A. The industry is all across the  
7 board. At one point there was policy, which was  
8 theory-based application, and procedures, which was  
9 operations-based application. Everybody uses it  
10 intra -- integrate it back and forth.

11 So we've tried to make some clarity  
12 in that by going to something other than policies  
13 and procedures to identify the book or the manual  
14 that guides the practice.

15 Q. So it would be your preference to  
16 have a specific reference point, for example, a  
17 General Order?

18 MR. LAKEY: Object to form.

19 A. That's what we do here, is we build  
20 General Orders. That's how we do things at Daigle  
21 Law Group.

22 Q. (BY MS. KRAMER) And how do you  
23 define a practice?

24 A. A practice is something that -- I  
25 think we basically defined it this morning when we

1 talked about taking multiple external sources that  
2 we would use as guidance, and that would be a  
3 recommended practice.

4 That recommended practice would  
5 come from utilizing sources that are leading in the  
6 industry and providing them as guidance or practice  
7 and what we should do based on consistency.

8 Q. And aside from what would be  
9 recommended practice, is a practice also just  
10 something you observe as the -- I think it's quoted  
11 in your as how we do it here?

12 Is that fair?

13 MR. LAKEY: Object to form.

14 A. Now, that practice could be the  
15 agency's practice, right? The agent. And in that  
16 situation I would use the word custom. The agency  
17 has a custom of doing things a certain way. And  
18 whether that custom -- there's a lot of words used  
19 for the same theory, but a lot whether that custom  
20 is in form with industry standards is part of the  
21 analysis for it.

22 Q. (BY MS. KRAMER) Understood.

23 And looking again at the  
24 recommendation that you just read, and it applies to  
25 both responding officers and supervisors, why is it

1 important that both responding officers and  
2 supervisors would utilize a checklist for all  
3 sex-related investigations?

4 MR. LAKEY: Object to form.

5 A. All investigations, specifically  
6 those that have physiological fluids and evidence  
7 that needs to be collected in a timely manner, you  
8 know, that's where we want people to pay attention  
9 to securing and seizing evidence.

10 In sexual assault investigations,  
11 that evidence -- that evidence can be easily removed  
12 and can be moved to another area or -- and can be  
13 contaminated. So you want to -- it's kind of like,  
14 you know, there's an old saying, you know, like in  
15 homicide the first 24 hours are the most important  
16 because if you don't -- if you don't collect the  
17 evidence, then sometimes you can lose the evidence.

18 So we like to make sure that with  
19 responding officers and the supervisors that are  
20 supervising them, that they -- that they pay  
21 attention to the things that are -- that can be  
22 lost. And sometimes evidence, forensic type  
23 evidence, can be easily lost.

24 Q. (BY MS. KRAMER) Forensic type of  
25 evidence that would exist in a sex crime, correct?



1 A. Yes. Yes.

2 Q. Looking at your Recommendation 3(b)  
3 on Page 18 of your report, Recommendation 3(b) is,  
4 "Officers, supervisors, and investigators must be  
5 retrained on department policy related to the  
6 investigation of sex-based crimes and the District  
7 Attorney's Sex-Related Crimes Protocol. There must  
8 be collaboration and teamwork between the patrol and  
9 the Criminal Investigations Divisions."

10 Did I read that correctly?

11 A. Yes, ma'am.

12 Q. Do you stand by that  
13 recommendation?

14 A. Yes, ma'am.

15 Q. Do you know if JCPD retrained  
16 officers, supervisors, and investigators on  
17 investigation of sex-based crimes?

18 A. I do not. No, ma'am.

19 Q. Do you know if officers,  
20 supervisors, and investigators at JCPD were  
21 retrained on the District Attorney's Sex-Related  
22 Crimes Protocol?

23 A. I do not.

24 Q. Sorry. I'm missing a page here.

25 Okay. Let's look at Page 19 of

1 your report, please.

2 And we touched on this, earlier,  
3 but in the second paragraph on Page 19 you note  
4 that, "During our interviews, we were advised that  
5 investigators would maintain paper files and take  
6 notes regarding investigatory steps. Once the case  
7 was closed, the file would be destroyed.  
8 Investigators said they would usually only scan  
9 their cases into the system if they were 'going  
10 anywhere'. The investigators complained that doing  
11 it correctly meant duplicating efforts on the  
12 written case log and entering information into the  
13 computer-based system."

14 Did I read that correctly?

15 A. Yes, ma'am.

16 Q. Is that a correct finding that you  
17 made in connection with your audit?

18 A. That's my finding, yes.

19 Q. And in terms of the complaint that  
20 maintaining paper records was duplicating efforts,  
21 did you find that to be a legitimate rationale for  
22 destroying records?

23 MR. LAKEY: Objection to form.

24 A. The -- I don't know that it was  
25 their rationale for destroying records. What they

1 were saying is that the case management system is  
2 there for you to go in and put in incident reports.  
3 And basically what they were saying is they would  
4 have to write reports in two different locations;  
5 one in their file folder, and then they would have  
6 to write it again and place it into the computer  
7 system.

8 Some investigators actually did  
9 that, and you can see that occur, but that's what  
10 they were talking about in the duplicating efforts,  
11 which is you'd have to write it as a report and then  
12 put it into the case management system in addition  
13 to writing it as a report.

14 Q. (BY MS. KRAMER) And in your  
15 recommendation 3(c), "Supervisors, officers, and  
16 investigators must be held accountable for  
17 documenting criminal investigations and maintaining  
18 the proper case files."

19 Do you stand by that  
20 recommendation?

21 A. Yes, ma'am.

22 Q. In practice, what does it look like  
23 for supervisors to be held accountable for  
24 documenting criminal investigations?

25 MR. LAKEY: Object to form.

1           A.           What I mean by accountable is that  
2     if they're not following -- in the operations world  
3     of law enforcement, if they're not following policy  
4     and training, the way they're supposed to be doing  
5     it, they should be disciplined and action should be  
6     taken to correct the -- what they're doing. So when  
7     we talk about accountability, we talk about, you  
8     know, discipline.

9           Q.           (BY MS. KRAMER) Are you aware of  
10    any JCPD officers that were disciplined as a result  
11    of failing to document criminal investigations?

12           A.           No, ma'am.

13           Q.           Are you aware of any JCPD  
14    investigators that were disciplined for failing to  
15    maintain proper case files?

16           A.           No.

17           Q.           Your finding 3(d), and this is on  
18    the bottom of Page 19 is that, "The case file  
19    records were deficient in the documentation of  
20    witness interviews."

21                        Do you see that?

22           A.           Yes, ma'am.

23           Q.           And do you stand by that finding?

24           A.           Yes, ma'am.

25           Q.           And your focus here is on a failure

1 to document; is that correct?

2 A. Yes.

3 Q. And that's different from a failure  
4 to do the interviews, right?

5 A. Yes.

6 Q. Did you make a finding on whether  
7 interviews were, in fact, conducted?

8 A. No.

9 Q. Did you interview officers about  
10 whether they were consistently interviewing  
11 witnesses?

12 A. No.

13 Q. Did you talk to D.A. Finney ever  
14 about JCPD investigators interviewing witnesses?

15 A. No, I don't -- no, I did not.

16 Q. In recommendation 3(d) you state,  
17 that, "Supervisors, officers, and investigators must  
18 be held accountable for fully investigating the  
19 allegation, including interviewing known witnesses."

20 Do you stand by that  
21 recommendation?

22 A. Yes, ma'am.

23 Q. In your experience, how many times  
24 have you had to make a recommendation to a police  
25 department that they interview known witnesses?

1 MR. LAKEY: Objection to form.

2 A. I'm not capable of giving that  
3 opinion, because every -- every assessment or  
4 investigation is different, a different scope of  
5 analysis, so --

6 Q. (BY MS. KRAMER) Can you think of a  
7 single time that you've had to make a recommendation  
8 to a police department that they should interview  
9 known witnesses in sex-related crimes?

10 MR. LAKEY: Objection to form.

11 A. Well, not sex-related crimes, but I  
12 also haven't done, you know, a lot of audits on  
13 departments for sex-related crimes, but -- so  
14 usually where I do deal with this is like -- where  
15 we do most of our audits is use of force. And  
16 oftentimes, in our use of force audits or our  
17 internal affairs audits, were recommending that, you  
18 know, witnesses be interviewed to document what  
19 happened.

20 Q. (BY MS. KRAMER) Why is it important  
21 for a witness in a sex crime to be interviewed?

22 A. Well, I think a witness in anything  
23 is important to be interviewed solely for the fact  
24 that they are usually an independent source, with --  
25 you know, I think I put in the report -- no dog in

1 the fight. And they can -- you know, witnesses can  
2 give you information about, you know, what happened.  
3 And they're not the accused, and they're not the  
4 victim. So they might give you, you know, better  
5 information. So witnesses are just valuable in all  
6 investigations.

7 Q. Would you agree that they're  
8 particularly valuable in sex-based investigations  
9 where there may be only the allegations of the  
10 victim and the denial of the perpetrator?

11 MR. LAKEY: Objection to form.

12 A. Sure. If there -- if there is a  
13 witness to some parts of the alleged act, you know,  
14 to be able to evaluate the credibility of the  
15 statements, that may assist in an investigation.

16 I think my biggest criticism here  
17 was there were places where allegations of sexual  
18 assault had occurred and multiple witnesses were at  
19 a party and nobody was interviewed. You have to do  
20 some form of witness interviews, and that's most  
21 important, especially for first responders that are  
22 going to the scene initially and, you know,  
23 identifying at least who is at the party and who's  
24 there and getting names so that the investigators  
25 can follow up with them later if they need to.

1 Q. (BY MS. KRAMER) And it's important  
2 for the investigators to actually follow up and  
3 conduct those witness interviews, right?

4 MR. LAKEY: Objection to form.

5 A. I believe so, yes.

6 Q. (BY MS. KRAMER) Moving on to  
7 conclusion -- or sorry. This is actually 3(e),  
8 Finding 3(e). "JCPD has a practice of not  
9 conducting suspect interviews."

10 Do you stand by that finding?

11 A. Yes.

12 Q. The first sentence states that this  
13 was, quote, "the most concerning."

14 Do you remember -- do you  
15 remember -- strike that.

16 What -- when you use the language  
17 most concerning here, what does that mean?

18 A. That means of the deficiencies that  
19 I was addressing in the audit report, the fact that  
20 suspects were not being contacted was concerning to  
21 the audit.

22 Q. Can you read the following two  
23 sentences starting with, "Our review"?

24 A. "Our review showed that JCPD  
25 detectives often did not make sufficient efforts to



1 obtain statements from suspects and witnesses  
2 quickly, and at times not at all. In fact, in  
3 reviewing cases regarding rape allegations between  
4 2018 and 2022, it was found that in 133  
5 rape-reported cases, 105 cases had an identified  
6 suspect."

7 Q. Two more sentences, please.

8 A. Okay.

9 "Of significant concern is that of  
10 the 105 known suspects identified, the suspect was  
11 interviewed in only 36 cases. Therefore, in the 133  
12 rape-related cases between 2018 and 2022, only  
13 34 percent of the known and identified suspects were  
14 interviewed or even contacted."

15 Q. Why is it detrimental to an  
16 investigation to not make sufficient efforts to  
17 obtain statements from suspects and witnesses in  
18 sex-related crimes?

19 MR. LAKEY: Objection to form.

20 A. So to this point, we talked about  
21 witnesses. We talked about evidence selection, you  
22 know, all of those things that might not be possible  
23 in a criminal case. Like, you know what, you  
24 could -- you could lose a witness. You could not  
25 document.

1 But when we get to the suspect, and  
2 when we have an identified suspect, what was very --  
3 I would just use the word intriguing to myself and  
4 my team, who was experienced, was that we just  
5 couldn't understand why you would not contact the  
6 suspect since it is normal for criminal  
7 investigators to, at least at some point, make  
8 contact with the suspect and let them know they're  
9 being alleged of a crime of such significance and  
10 see if they're willing to talk to you.

11 You know, obviously, they have  
12 their rights. They don't have to talk to you. But  
13 my experience has been that individuals being  
14 accused of such a crime are sometimes more often  
15 willing to have a conversation with you, even with  
16 an attorney, just because they want to get their  
17 side on the record of what happened.

18 Q. (BY MS. KRAMER) You mentioned  
19 earlier when we were talking about sex-based crimes  
20 that there may be issues of credibility.

21 Would you agree that suspect  
22 admissions or statements are going to be  
23 particularly valuable in that context?

24 MR. LAKEY: Object to form.

25 A. I think -- I do agree that locking

1 in a suspect and locking in a witness is important  
2 in the investigation, because everything that occurs  
3 from that point on is going to be dealing with  
4 credibility assessment.

5 Q. (BY MS. KRAMER) The report states  
6 that during your interviews, "Investigators  
7 confirmed that it was a practice at JCPD not to  
8 contact the alleged suspect until they were  
9 convinced that the assault reasonably did occur.  
10 This is baffling to the DLG team."

11 Did I read that correctly?

12 A. You did, yes.

13 Q. Is baffling the word that you were  
14 looking for before?

15 MR. LAKEY: Object to form.

16 A. I'll go with it.

17 Q. (BY MS. KRAMER) And what does it  
18 mean -- what is your take on the fact that these  
19 investigators needed to be convinced that the  
20 assault reasonably did occur before they would  
21 interview a suspect?

22 MR. LAKEY: Object to form.

23 A. Well, what do you mean by what does  
24 it mean? I don't understand that.

25 Q. (BY MS. KRAMER) How do you evaluate

1 that?

2 I mean, you noted it in your  
3 report, so it seems important to you, right, that  
4 the -- that the investigators needed to be  
5 "convinced that the assault reasonably did occur"  
6 before contacting the suspect.

7 A. Yeah. My interpretation of that  
8 was that if they believed a sexual assault had  
9 occurred, that they were -- therefore, they would  
10 reach out to the suspect because it had occurred,  
11 meaning they believed -- the investigator believed  
12 that there was sufficient evidence that the assault  
13 had occurred.

14 Q. Right.

15 So your understanding is  
16 investigators did not go out and try to get an  
17 interview with the suspect unless and until they had  
18 concluded that an assault reasonably did occur; is  
19 that right?

20 MR. LAKEY: Object to form.

21 A. That was my understanding, yes.

22 Q. (BY MS. KRAMER) And did you ask the  
23 investigators about that in your interviews?

24 A. I did. I asked everybody that we  
25 had talked to about that and whether it was

1 partially a custom of the agency that it had  
2 occurred over a period of time or an understanding  
3 of the way -- I think one of the -- one of the  
4 statements was made, "Well, we're not going to --  
5 you know, if it's not -- if it's not -- if the  
6 assault didn't occur, then why would you go do that  
7 to a suspect?"

8 And part of our response was,  
9 "Because there's a criminal allegation. You have  
10 to -- whether the allegation is correct or  
11 incorrect, but you have to do the investigation."  
12 And so that was -- you know, that's why I used the  
13 word baffling, because I don't think anybody had a  
14 really good -- really good explanation for why they  
15 didn't contact suspects.

16 Q. Is it possible that an  
17 investigator's belief in the alleged assault can be  
18 impacted by bias?

19 MR. LAKEY: Objection to form.

20 A. Oh, absolutely.

21 Q. (BY MS. KRAMER) Do you think that's  
22 especially true in this context specifically,  
23 meaning for sex-related crimes?

24 MR. LAKEY: Object to form.

25 A. I think it has its place. That's

1     why I dealt with it in the report. I don't know  
2     that -- you know, there's a lot of crimes that could  
3     involve bias. Obviously, the sexual-related crimes  
4     are unique enough that I addressed it in the report  
5     because of the possible biases that leads to that  
6     conclusion.

7             Q.           (BY MS. KRAMER) So Recommendation  
8     3(e) states, "Identifiable suspects in a criminal  
9     investigation will be interviewed."

10            Do you stand by that  
11     recommendation?

12            A.           Yes.

13            Q.           Have you ever had to make that  
14     recommendation to a police department before?

15            MR. LAKEY: Object to form.

16            A.           I have not.

17            Q.           (BY MS. KRAMER) And why is that?

18            MR. LAKEY: Object to form.

19            A.           There's never been a -- I don't  
20     think I've had an audit that was unique to that  
21     specific issue.

22            Q.           (BY MS. KRAMER) Have you  
23     encountered another police department that  
24     demonstrated a failure to interview suspects in  
25     criminal investigations, along the lines of what you

1 observed in your audit of the JCPD Police  
2 Department?

3 MR. LAKEY: Object to form.

4 A. This was a unique audit, you know,  
5 to the specifics of what we're auditing here. So  
6 I've never looked at any other department to whether  
7 or not they've interviewed suspects or not.

8 Q. (BY MS. KRAMER) In your career in  
9 law enforcement, did you ever observe a police  
10 department that failure -- failed to interview known  
11 criminal suspects?

12 MR. LAKEY: Object to form.

13 A. That's a pretty totality situation.  
14 I will tell you that it's been my experience and  
15 custom and practice in this -- across the country  
16 that if you have a known suspect to a sexual assault  
17 crime that you're going to -- you're going to  
18 attempt contact with that person at some point.

19 Q. 100 percent of the time?

20 MR. LAKEY: Object to form.

21 A. I'm not going to 100 percent  
22 anything, because there's always a nuance issue that  
23 could come up. Sometimes you can't find them, but  
24 that's a whole other issue.

25 Q. (BY MS. KRAMER) Does a failure to

1 even attempt to contact a known suspect 60 percent  
2 of the time fall below industry standards?

3 MR. LAKEY: Object to form.

4 A. I would say yes.

5 Q. (BY MS. KRAMER) And you've  
6 identified this as a JCPD practice.

7 Is it fair to say that that  
8 practice is depriving rape victims of the same  
9 protection by law enforcement that you think is  
10 constitutionally sound?

11 MR. LAKEY: Object to form.

12 A. During the years that we saw this  
13 occurring, I would say that it is depriving the  
14 victims of their rights, yes.

15 Q. (BY MS. KRAMER) Let's look at  
16 Finding -- this is 3(f) that says, "JCPD's  
17 investigative processes discourage victim  
18 participation."

19 What information do you recall went  
20 into this finding?

21 A. It would be the review of case  
22 files and the interview of the -- specifically -- I  
23 probably talked to everybody about it, but  
24 specifically the two female investigators that we  
25 spoke with.



1           Q.           And you don't recall their names,  
2 do you?

3           A.           Yeah.   Dunn and Cara -- Carol.

4           Q.           Carol Lowe, does that sound right  
5 to you?

6           A.           Yes.

7           Q.           And why was it specifically the  
8 conversations with the female investigators that  
9 gave you information to make this finding?

10          A.           Well, I think it was twofold.  I  
11 think, first, is it Lowe?  Cara -- Carol was a  
12 victim centric individual based on her experience,  
13 and so she had a lot of knowledge of victims.  I  
14 think it was really good for JCPD having her in that  
15 role, because she was very in tune to victims and  
16 the atmosphere that you dealt with a victim in.  And  
17 she would see things that she didn't think were as  
18 open to a victim.

19                       And then there was Debbie Dunn who,  
20 you know, expressed her opinions on the fact that  
21 the victim was -- you know, this was not a victim --  
22 a victim centric process, meaning you have to -- in  
23 these types of crimes, as we've discussed, you have  
24 to understand what surrounds the sexual assault, the  
25 trauma, the victimization of it, and take additional

1 steps in the way you do an interview and where you  
2 do the interview and how you keep the victim  
3 updated.

4 It's a lot more of a hands-on  
5 approach than a lot of crimes where, you know, like  
6 you get your car stolen or you get, you know, a TV  
7 stolen out of your house is a lot different than a  
8 victim crime of sexual assault.

9 Q. Is it fair to say that Investigator  
10 Dunn alerted you to criticisms that she found within  
11 the police department regarding discouraging victims  
12 of sex crimes from participating in investigations?

13 MR. LAKEY: Object to form.

14 A. Yeah, she did. There was some  
15 credibility challenges to what she was saying. She  
16 was obviously not happy with the police department  
17 and the people that worked there. It was pretty  
18 obvious, so --

19 Q. (BY MS. KRAMER) Do you know if  
20 Ms. Dunn can still --

21 MR. LAKEY: Can you just let him  
22 finish his statement before you start your  
23 next question?

24 A. Can you ask the question again?  
25 I'm sorry.

1 Q. (BY MS. KRAMER) I'm going to move  
2 on.

3 Do you know if Ms. Dunn is still  
4 employed by JCPD?

5 A. When I met with Ms. Dunn, she was  
6 over at the sheriff's office already. She had  
7 already left.

8 Q. Do you know if Ms. Lowe is still  
9 with the Johnson City Police Department?

10 A. When we interviewed her, she was  
11 talking about going to a state job. I don't know if  
12 she did do that.

13 Q. Did either -- or did Ms. Dunn  
14 express to you that her desire to leave JCPD was  
15 because of sex bias?

16 MR. LAKEY: Objection to form.

17 A. I don't know. I mean, she was --  
18 she was very eager to talk to us. She had a lot  
19 of -- she had a lot of complaints, and I don't know  
20 whether she retired and took another job or why she  
21 left. I don't remember if that was the number one  
22 reason. I know she was not happy at the department,  
23 and that was pretty clear to me.

24 Q. (BY MS. KRAMER) If we move on to

25 Page 22 --

1 COURT REPORTER: Hey, Jon, when you  
2 object, can you object just a little bit  
3 louder? I'm struggling to hear every one of  
4 them.

5 MR. LAKEY: Yep, I sure will.

6 Q. (BY MS. KRAMER) The first full  
7 paragraph on Page 22 says, "Experience has shown  
8 that victim participation can significantly increase  
9 the success of investigations, as well as a  
10 successful prosecution."

11 Did I read that right?

12 A. Yes, ma'am.

13 Q. And we talked earlier about the  
14 issue of a victim not wishing to pursue her case.

15 Do you remember that?

16 A. Yes.

17 Q. But it's true that the D.A. can  
18 still prosecute a case, even if the victim does not  
19 want to participate; is that correct?

20 MR. LAKEY: Objection to form.

21 A. I don't think that's correct for  
22 all age victims in Tennessee. I don't know that  
23 your victim specific rules -- I don't know that in  
24 Tennessee that if the victim doesn't want to  
25 prosecute over the age of 18 that they can.

1 I do know that that's -- because  
2 that was a big part of what I looked at. In some  
3 states there's rules that the State can take over as  
4 the victim. I did not understand that to be the  
5 case over the age of 18 in Tennessee. So that would  
6 be the only thing that would cause challenges there.

7 Q. (BY MS. KRAMER) Your understanding  
8 is that if somebody over the age of 18 and they do  
9 not wish to participate in a criminal investigation  
10 of a sex crime, the police cannot continue  
11 investigation and the D.A. cannot prosecute.

12 Is that your understanding?

13 A. What am I understanding --

14 MR. LAKEY: Object to form.

15 Q. (BY MS. KRAMER) Let me restate  
16 that.

17 Is it your understanding that if a  
18 victim of a sexual assault is over 18 and states  
19 that she does not wish to pursue her case that the  
20 D.A. cannot pursue the case? Is that your  
21 understanding?

22 A. That's my understanding, because  
23 you need a victim, unless it's a child. There's  
24 victim rights laws in this country about criminal  
25 acts and having a victim. That's why we talked

1 about earlier about the right -- that,  
2 unfortunately, victims are victimized a lot in the  
3 criminal justice system.

4 Again, I was trying to get some  
5 clarity of that from D.A. Finney and -- but it's my  
6 understanding that -- it wasn't clear to me. I  
7 don't -- I didn't do any legal research on it, but  
8 that was --

9 Q. Did D.A. -- sorry.

10 MR. LAKEY: Ms. Kramer, please let  
11 him finish.

12 MS. KRAMER: I said sorry.

13 MR. LAKEY: But it's like the third  
14 time it's happened.

15 THE WITNESS: We're both very --

16 MR. LAKEY: I know, but she -- for  
17 the record, let's please try to let him  
18 finish answering before asking the next  
19 question.

20 A. So that's why in the notes you see  
21 I asked those questions and, as I was talking about,  
22 because I was trying to get clarity of what the  
23 victim laws were in the State of Tennessee. Because  
24 there are some places in the country where you  
25 cannot prosecute if the victim over a certain age

1 does not -- is not willing to participate.

2 Q. (BY MS. KRAMER) Did D.A. Finney  
3 tell you that a sexual assault victim over the age  
4 of 18 who expresses an unwillingness to participate  
5 in the prosecution will not have a case proceed by  
6 the District Attorney?

7 A. No.

8 MR. LAKEY: Object to form.

9 A. He did not. Like I said, I told  
10 you I don't -- I don't recall what even the outcome  
11 was, but that was the issue on the table. Is it  
12 possible?

13 Q. (BY MS. KRAMER) You asked him and  
14 he did not have an answer; is that correct?

15 MR. LAKEY: Object to form.

16 A. I don't remember what his answer  
17 was, to be honest with you.

18 Q. (BY MS. KRAMER) Are you aware of  
19 cases involving sexual assault where, let's say,  
20 it's between spouses, and the D.A. intends to  
21 prosecute and can have a victim appear through  
22 subpoena power? Are you aware of that?

23 MR. LAKEY: Object to form.

24 A. Sure, in certain parts of the  
25 country.

1 Q. (BY MS. KRAMER) And is it your  
2 understanding that's not possible in Tennessee?

3 A. Like I said, I don't know. I  
4 didn't -- that's not part of my analysis. This  
5 doesn't matter whether it's possible or not. That's  
6 the prosecutor's problem. It's not JCPD's problem.

7 JCPD has one issue, and that is to  
8 do the investigation. The prosecutor's office has  
9 to decide who they're going to prosecute and whether  
10 they can prosecute.

11 Q. I guess what I'm trying to  
12 understand is if we're looking at a victim's  
13 unwillingness to participate in a prosecution, is it  
14 your understanding that that alone can preclude the  
15 D.A. from pursuing a case in Tennessee?

16 MR. LAKEY: Object to form.

17 A. You're asking it the same way you  
18 just asked it where I said I don't know the answer  
19 to that. I don't know whether that's the case or  
20 not.

21 Q. (BY MS. KRAMER) Did it seem -- did  
22 you encounter anyone within the Johnson City Police  
23 Department who believed that a victim's  
24 unwillingness to participate in the prosecution was  
25 a lone reason that the D.A. could not pursue a case?



1 MR. LAKEY: Object to form.

2 A. I would say that, based on if you  
3 read a lot of the cases and interview the  
4 investigators, they will say that when the  
5 prosecutors were advised that the witness was -- or  
6 the victim was not willing to participate in the  
7 investigation or testify in court, that we found  
8 cases where the prosecutors closed the case for no  
9 prosecution based on that -- on that reason. And so  
10 that was part of the analysis here.

11 Q. (BY MS. KRAMER) If we look on --  
12 you have a numbered list here on Page 22 of your  
13 report. And if you look at No. 5, you find, "JCPD's  
14 sexual assault investigations are sometimes  
15 compromised by an investigator's unwarranted  
16 gender-based assumptions and stereotypes about  
17 women."

18 Do you stand by that finding?

19 A. Yes, ma'am.

20 Q. And what were the sources of  
21 information that went into that finding?

22 A. So it would -- the first part is  
23 when you're looking at reports and you're expecting  
24 things to be done in the investigation and you have  
25 a -- and you have a victim who might be a

1 prostitute, a well-known -- identifies her as a  
2 prostitute, a drug addict, or someone who has been a  
3 victim of sexual assault before, and then there  
4 is -- the normal steps aren't followed in the  
5 investigation, it leads to the conclusion of why?  
6 Why did that occur?

7 And you start to see some patterns  
8 with certain females that were in certain -- that  
9 were, you know, classified in certain ways, where  
10 their cases, you know, were just not given the  
11 amount of work that was necessary.

12 And then talking to, you know,  
13 Investigator Dunn, she had a lot of opinions as to  
14 the biases in the office. But for me, it's about --  
15 it's about the work, right? And if I see a case  
16 where the victim is, you know, a female and she's  
17 not a drug addict and she's not known to be a  
18 prostitute, and they go through and they do  
19 everything the way that they're supposed to  
20 investigate that case, I'm like, "Okay. Perfect."

21 But then you see the same type of  
22 case and the female is placed into a category with a  
23 bias, and the same steps aren't followed. It leads  
24 you to ask some questions, which is, you know, why?  
25 Why were those steps not followed? Same victim.

1 Same situation. The only difference is the apparent  
2 biases that could come with the basis -- with the  
3 victim's category.

4 Q. On Recommendation 3(f), this is on  
5 Page 23. Sorry. Let me skip that. Move on to  
6 3(g).

7 Can you read recommendation 3(g),  
8 please?

9 A. Yes, ma'am. Page 24.

10 "Non-stranger and alcohol or  
11 drug-facilitated sexual assault investigation shall  
12 be assigned only to those investigators with the  
13 demonstrated skills, interest, and training to  
14 conduct those investigations effectively and without  
15 bias."

16 Q. What does it mean to have an  
17 interest? In the context of investigators at JCPD,  
18 what does it mean to have an interest in conducting  
19 investigations without bias?

20 A. I mean, it is as simple as it  
21 states, meaning that, you know, cops are human  
22 beings. In both male and female officers, some are  
23 just good at some things, and some are just not good  
24 at some things. And you have to -- and you have  
25 to -- if you're the supervisor and you go to assign

1 investigations, you have to take in the person's  
2 skill set, their ability, and their desire.

3 You know, you just don't -- you  
4 don't want to take a victim crime like a rape  
5 crisis -- or like a rape and assign it to somebody  
6 who does not -- does not care, is just kind of  
7 pushing the wheel down the road, not really caring  
8 about being a good cop, just surviving.

9 Q. Did you find that investigators in  
10 JCPD, or at least some of them, were disinterested  
11 in conducting sex crime investigation without bias?

12 MR. LAKEY: Objection to form.

13 A. No. What I found is actually the  
14 alternative, which is there was some really good sex  
15 crime investigations, but then there were some  
16 investigations that nothing was done.

17 I don't know why the nothing was  
18 done. I didn't do an investigation and bring them  
19 in and ask them why nothing was done. But when you  
20 have good ones that do really good investigations,  
21 then you have ones that are just not -- not up to  
22 par, that's part of the reasoning, which is, "Hey,  
23 why? Why is it not up to par?"

24 Q. (BY MS. KRAMER) And so your  
25 recommendation here is that if you have a sexual

1 assault that's non-stranger and alcohol or  
2 drug-facilitated, you need to find an officer that  
3 can conduct that investigation without bias; is that  
4 fair?

5 MR. LAKEY: Object to form.

6 A. It's not really fair, because  
7 you're focusing on the bias portion. But if you  
8 are -- there's a reason why we have special  
9 investigation units and we have sexual assault units  
10 and we have child crime units. It's because, you  
11 know, when I'm working in major crime and I have  
12 three little kids, I might not be the right guy to  
13 do the child crime investigation. The child --  
14 somebody else should get that crime, because I might  
15 not be able to -- I might not be able to separate my  
16 professional and my personal beliefs, because I'm a  
17 human being.

18 So what we do in departments is we  
19 find people who are -- who are good at certain  
20 things and skill sets and actually, you know,  
21 appreciate doing these investigations. In more of  
22 the modern day law enforcement, instead of just  
23 taking the next guy up to do the case, you're going  
24 to make sure that the people that you assign it to  
25 are better -- the best qualified to do the

1 investigation.

2 Q. (BY MS. KRAMER) And your finding  
3 was that JCPD had not consistently found the right  
4 people to do these investigations, correct?

5 MR. LAKEY: Object to form.

6 A. My conclusion was that the  
7 investigations at JCPD were so inconsistent that I  
8 want to know why they're so inconsistent. Why do  
9 some do such a good job and some of them don't do  
10 such a good job.

11 Q. (BY MS. KRAMER) Did any of the  
12 investigators that you interviewed in connection  
13 with your audit demonstrate skills, interest, and  
14 training needed to conduct sexual assault  
15 investigations without bias?

16 MR. LAKEY: Object to form.

17 A. Well, I only interviewed two female  
18 detectives. So that's kind of not fair to answer  
19 that question, because I didn't go through the whole  
20 investigative ranks and interview every investigator  
21 at JCPD, you know. So I don't know about them.

22 I mean, I learned about Cara  
23 through sitting down with her and asking her about  
24 her background, her history, her education, which it  
25 looks like she would be a very good sex -- sex and

1 child investigator. I don't know enough about the  
2 other ones that work there.

3 Q. (BY MS. KRAMER) You didn't ask the  
4 male JCPD investigators -- sorry.

5 You didn't determine whether the  
6 male JCPD investigators that you interviewed had the  
7 skills, interest, and training to conduct a  
8 sex-related crime without bias?

9 A. Well, if you remember the list of  
10 people I interviewed, I didn't interview any male  
11 investigators. I interviewed male supervisors.

12 Q. And what's your view of those male  
13 supervisors in terms of their skill, interest, and  
14 training to conduct a sexual assault investigation  
15 without bias?

16 MR. LAKEY: Object to form.

17 A. I don't know enough, except the  
18 sergeants seemed like they were very well  
19 experienced investigators, but I hadn't -- I hadn't  
20 seen any of their work and whether there was any  
21 issues with their work.

22 Q. (BY MS. KRAMER) Would you expect --  
23 or shouldn't we expect that every police officer is  
24 able to investigate a case without exhibiting bias?

25 MR. LAKEY: Object to form.

1           A.           No. I think that would be naive.

2           Q.           (BY MS. KRAMER) What about for  
3 sex-based bias specifically?

4           A.           I don't know that I can answer that  
5 any different than being naive, because it's just  
6 like attorneys and judges and doctors. Everybody's  
7 got biases. So you don't know what will be  
8 triggering that bias.

9           Q.           In your opinion, how do we control  
10 for the possibility of sex-based bias existing in  
11 investigators?

12                       MR. LAKEY: Object to form.

13           A.           It's a great question, actually,  
14 which is we -- we in -- we clearly interview to find  
15 skill sets of the individuals who choose to do that  
16 job. We get them additional training in victim  
17 advocacy and interaction with victims. And then we  
18 closely monitor them as they start doing these  
19 investigations and, you know, checks and balances to  
20 make sure they're doing it correctly.

21           Q.           (BY MS. KRAMER) Is it fair to say  
22 those are institutional safeguards?

23           A.           Well, what do you mean by  
24 institutional?

25           Q.           I mean that what you're describing



1 seems to be that the department as a whole needs to  
2 take certain actions to guard against sex-based bias  
3 impairing effective investigation of sex-related  
4 crimes.

5 MR. LAKEY: Object to form.

6 A. Well, I think every investigative  
7 unit in the country has to do that. I think it's  
8 part of the -- it's part of the job of being an  
9 investigator nowadays.

10 Q. (BY MS. KRAMER) And it's the  
11 department as a whole that has that responsibility.

12 Would you agree?

13 MR. LAKEY: Object to form.

14 A. I would say that there's -- it's  
15 the responsibility of each members of the department  
16 to check each other, and it's the responsibility of  
17 the supervision to hold them accountable to it.

18 Q. (BY MS. KRAMER) Where do -- where  
19 does training fit into that assessment?

20 A. Training is a normal course of  
21 getting any professional. No matter what you do in  
22 your life, and in law enforcement, like whatever you  
23 want to do as a specialty you have to get training  
24 in it.

25 So I think in the area of

1 investigations, we see a lot more training now than  
2 we ever did on victim interaction and cognitive  
3 interviewing and, you know, trying to get victims  
4 through the forensic examinations without trauma.

5 Q. Would you agree that sound training  
6 is essential for a police department to have  
7 unbiased investigations of sex crimes?

8 MR. LAKEY: Object to form.

9 A. Training is one of my cornerstones.  
10 So I would say yes.

11 Q. (BY MS. KRAMER) Would you agree  
12 that supervision is essential to ensure that police  
13 departments can conduct investigations of  
14 sex-related crimes without bias?

15 MR. LAKEY: Object to form.

16 A. Yes, but I'd like to qualify that  
17 to say that it is also the importance of supervision  
18 to make sure that proper documentation occurs so  
19 that it doesn't get misperceived as a bias that does  
20 not exist.

21 Q. (BY MS. KRAMER) Your findings with  
22 respect to bias, they're not based on an absence of  
23 documentation, are they?

24 MR. LAKEY: Object to form.

25 A. They're supported by an absence of

1 documentation, yes.

2 Q. (BY MS. KRAMER) The bias itself,  
3 you're saying, is supported by the fact --

4 A. Yeah.

5 I'm sorry. I cut you off.

6 Q. It's okay.

7 Did you review the case files for  
8 the victims of Sean Williams?

9 Let me -- let me take a step back.

10 Do you know who Sean Williams is?

11 A. I do now, yes.

12 Q. When did you learn who Sean  
13 Williams is?

14 A. Well, through the Dahl deposition  
15 and news stories that had come out after -- out  
16 around that time in late 2023 -- no, late 2024.  
17 When was I deposed?

18 2024. No way. It is 2024. So  
19 2023. I'm sorry.

20 Q. So you think you learned of who  
21 Sean Williams is through your deposition in the Dahl  
22 litigation.

23 Is that what you said?

24 A. Yeah. So when I got the case, I  
25 was aware of a litigation case, but I didn't -- I

1 didn't -- I'm not here investigating those aspects.  
2 So I knew that there was a lawsuit, and I had seen a  
3 copy of the Complaint. But other than that, I did  
4 not know about the -- in-depth how much involvement  
5 was with JCPD. And because of the litigation that  
6 was out there, and because I was clear with JCPD of  
7 my scope was, you know, I didn't focus on those  
8 cases in addition to -- any different than any other  
9 cases that I took.

10 Q. Did you have a discussion with  
11 Cathy Ball specifically about whether you would  
12 review the case files for victims of Sean Williams?

13 A. I'm sure I did. I don't -- what I  
14 remember is this: The case files that oftentimes,  
15 like I said, were incomplete, the ones that I was  
16 given. So one of the questions that I was dealing  
17 with was with the department and saying, "You know,  
18 we should do an investigation, because an  
19 investigation is going to allow me to figure out  
20 more of why things occurred the way they were."

21 And also, I was made aware that  
22 there was more case files that were in the  
23 litigation process, but I don't have access to them  
24 because I'm not -- I'm not taking external  
25 documents. I'm only taking what's in the system,

1 you know, whatever is in the case files for these  
2 reports. So I don't -- I don't have these external  
3 documents or external explanations.

4 And so I just made sure that  
5 they -- that the town knew this, knew that I  
6 couldn't do more than what I had. And so that's how  
7 we left it.

8 Q. Did you -- so you advised Johnson  
9 City that you were willing to do an investigation  
10 into how JCPD handled allegations against Sean  
11 Williams?

12 MR. LAKEY: Objection to form.

13 A. Yeah. First, I don't advise,  
14 because I'm not their advisor, but I -- during the  
15 course of my analysis here, and I think even as I  
16 addressed in the report, I suggested that they had a  
17 lot of unanswered questions. I don't like  
18 unanswered questions. Like -- and so I advised they  
19 might want to consider doing an investigation and  
20 determine why things are the way they are. So  
21 that -- and that was where I left it.

22 Q. (BY MS. KRAMER) And what did the  
23 City say when you suggested an investigation into  
24 JCPD's handling of Sean Williams?

25 MR. LAKEY: Objection to form.

1           A.           I didn't have -- they took my  
2 suggestion, and I didn't have any further  
3 conversation with them about that.

4           Q.           (BY MS. KRAMER) They did not engage  
5 you to conduct that investigation, right?

6                       MR. LAKEY: Objection to form.

7           A.           They did not, no.

8           Q.           (BY MS. KRAMER) Are you aware if  
9 they engaged anyone to conduct that investigation?

10          A.           I am not, no.

11          Q.           You mentioned that reviewing -- or  
12 sorry.

13                       You mentioned that in this  
14 discussion with the City concerning Sean Williams  
15 that there were case files that you had not had  
16 access to; is that correct?

17                       MR. LAKEY: Objection to form.

18          A.           Yes.

19          Q.           (BY MS. KRAMER) And what were  
20 those?

21          A.           Well, I didn't have access to them.

22          Q.           Is it your understanding that those  
23 were case files?

24                       MR. LAKEY: Object to form.

25          A.           I don't know what they --

1 THE WITNESS: I'm sorry.

2 MR. LAKEY: That's okay.

3 A. I don't know what they were. I  
4 know that, during the course of my interview, I sat  
5 down with Chief Turner at the time and explained  
6 that, "Hey, you know, there's -- there's too much  
7 missing here. What are we going to do about that?"  
8 And he said, "Well, there's more, but it's all in  
9 the litigation." I said, "Well, if it's -- if it's  
10 not case files that I can get my hands on, like I'm  
11 doing everything else, then it's not -- it's not  
12 something that I want to -- I wanted to add."

13 Because it -- it would -- the  
14 problem is that when we're assessing, we have to  
15 assess consistently, right? Now, if I assess these  
16 325 cases consistently, and you give me a whole box  
17 for one case, that's not -- that's not going to help  
18 the assessment part. So the end result was I didn't  
19 get it, I didn't ask for it, and it wasn't part of  
20 my analysis.

21 Q. (BY MS. KRAMER) And when you say  
22 you didn't get it, you are referring to some  
23 documents, you don't know what they are, but you  
24 know they exist because of your conversation with  
25 Chief Turner; is that correct?

1 MR. LAKEY: Object to form.

2 A. That is correct.

3 Let me put it more a little  
4 clearer, and that's this: In one of the Sean  
5 Williams case, the actions of the officers just -- I  
6 don't understand. Like why? Why did the officer  
7 not secure the residence? Why did the officer not  
8 do this? I really wanted to know the answers to  
9 those questions, because there's no report that  
10 tells me why this didn't occur, and these are  
11 significant.

12 And when that conversation came up,  
13 the answer was there may be more case reports that I  
14 don't have. And I said, "Okay. Well, if they're  
15 not part of this case file, then I don't -- I'm not  
16 going to take them. If they're part of a  
17 litigation, whatever that may be, it's not part of  
18 the case file."

19 Q. (BY MS. KRAMER) And by case file,  
20 you mean it's not part of the 326 files and related  
21 documents that you were given to conduct this audit;  
22 is that correct?

23 A. Yeah. That's fair, yes.

24 Q. And do you remember anything else  
25 about that Sean Williams case that you just



1 referenced that you were particularly interested in?

2 A. No. The only reason I don't -- the  
3 only reason I remember that one is because it's a  
4 part of the -- it's part of the report. It's an  
5 example in the report here.

6 And so when I was reviewing my  
7 report, I actually reviewed the case file for that.  
8 And so that's the only reason why I remember that  
9 one.

10 Q. Do you know -- you can refer to  
11 your report.

12 Do you know where you are making  
13 reference to what you believe is a Sean Williams  
14 case in your report?

15 A. I know I messed it up in my depo,  
16 and I'm going to have to look.

17 On Page 18, the third example on  
18 Page 18. I forget the -- it refers to a case and,  
19 you know, obviously we don't use names or anything  
20 in the report.

21 But the third example on Page 18  
22 was a significant example. We're talking about the  
23 big paragraph in the middle of Page 18. That was a  
24 Sean Williams case. Report No. W20006424.

25 Q. As far as you know, was this case

1 the only case that you reviewed relating to Sean  
2 Williams?

3 A. It's my understanding there were  
4 others. I don't know which ones they are without  
5 going through the spreadsheet.

6 Q. Your audit did include more than  
7 one case relating to Sean Williams?

8 A. I don't know as I sit here today.  
9 This was the only one that was egregious that popped  
10 up, you know, in the 300 -- my -- I want to say that  
11 I was -- there's more out there, but I don't know of  
12 them. This is the one that was egregious enough.  
13 That was one of the examples. I used multiple cases  
14 as examples in this report, and that was one of  
15 them.

16 Q. And why was it so egregious, in  
17 your view, to -- I think this example is one of  
18 failure to secure a crime scene.

19 Why would it have been important  
20 to -- I guess why is it important generally to  
21 secure a crime scene?

22 A. I mean, based on if you just read  
23 the report in and of itself, it makes no sense  
24 whatsoever. Like any brand new rookie out of the  
25 Academy should be able to look at this and say,

1 "Well, wait. Why? I don't understand."

2 You have a victim running out of a  
3 building. Why didn't you secure a -- why didn't you  
4 secure an apartment? Why didn't you get a  
5 supervisor? Why didn't you -- why didn't you call a  
6 detective? Why didn't you go upstairs and knock on  
7 the door? I don't know if any of those things were  
8 done.

9 I just know what's in the report,  
10 and the report is very vague and not a lot of  
11 information. And that's why it was brought out as  
12 an example.

13 Q. And when you were reviewing this  
14 case, do you -- there was no documentation of, for  
15 example, collection of DNA.

16 A. Yeah. There's not much of anything  
17 in this case documentation wise. So it's a pretty  
18 straightforward -- you know, I was really focused  
19 mainly as -- I use it as a suggestion in this case,  
20 demonstrating that there was no crime scene  
21 security. There was no processing. There was no  
22 witness interviews. There was no nothing.

23 MS. KRAMER: Okay. Let's take a  
24 short break. Let's do until 3:50 Eastern,  
25 please.

1 VIDEOGRAPHER: Sounds good.

2 We are now off the record. The  
3 time is 3:43 p.m. Eastern time.

4 (Off the record at 3:43 p.m.)

5 (On the record at 3:53 p.m.)

6 VIDEOGRAPHER: Okay. We are now  
7 back on the record. The time is 3:53 p.m.  
8 Eastern Time.

9 BY MS. KRAMER:

10 Q. Mr. Daigle, I'm going to direct you  
11 to the second full paragraph on Page 32 of your  
12 report.

13 So in this paragraph it says, "When  
14 the allegations were made in the above-referenced  
15 lawsuit," and that lawsuit is, if you look up, a  
16 civil lawsuit filed by former Special Assistant U.S.  
17 Attorney Dahl; is that right?

18 COURT REPORTER: Hey, Elizabeth.  
19 I'm having a really hard time hearing you.

20 MR. ALLEN: Yes. Same. I can  
21 barely hear a word you're saying.

22 MS. KRAMER: Is that -- is that  
23 better?

24 COURT REPORTER: I don't know yet.  
25 You'll have to talk a little more.

1 MS. KRAMER: Okay. Talking.

2 Talking. Leaves are green.

3 COURT REPORTER: Okay. That's a  
4 little better. It's still soft but --

5 MS. KRAMER: Okay.

6 COURT REPORTER: -- it wasn't  
7 nearly as soft as that question.

8 BY MS. KRAMER:

9 Q. Okay. So, Mr. Daigle, this second  
10 full paragraph on Page 32 of your report, there's a  
11 reference to a lawsuit.

12 We've confirmed that was a civil  
13 lawsuit filed by Kat Dahl, correct?

14 A. Yes, ma'am.

15 Q. And then the report says, "The  
16 department was concerned that the complaint involved  
17 criminal conduct by department members."

18 A. Yes, ma'am.

19 Q. How did -- how did you know that?

20 A. Through Cathy Ball.

21 Q. What did Cathy Ball say to convey  
22 to you that the department was concerned that the  
23 complaint involved criminal conduct by department  
24 members?

25 MR. LAKEY: Objection to form.

1           A.           Yeah. I think it's just in the  
2           allegation of the Complaint. They are serious in  
3           nature and, you know, when you have -- when you're  
4           in government operations, your first initial  
5           reaction is, "Okay. Does this involve criminal  
6           allegations? Does it have the possibility of  
7           involving criminal allegations?" And they perceived  
8           it to have criminal allegations to it.

9           Q.           (BY MS. KRAMER) With respect to  
10          members of the department, correct?

11          A.           That was my --

12                       MR. LAKEY: Object to the form.

13          A.           That was my understanding, yes.

14          Q.           (BY MS. KRAMER) So you note here,  
15          "an August 24th, 2022 letter to District Attorney  
16          Kenneth Baldwin," and you attached that to your  
17          report, correct?

18          A.           Yes, ma'am.

19          Q.           And then you later mention a  
20          September 1st, 2022 letter from District Attorney  
21          Finney responding to Ms. Ball.

22                       Do you see that?

23          A.           Yes, ma'am.

24                       MS. KRAMER: I'm going to mark my  
25          next exhibit.

1 COURT REPORTER: I'm sorry. Did  
2 you say you want to -- you're still soft.

3 Do you want to mark that as an  
4 exhibit?

5 MS. KRAMER: Yes. I'm marking the  
6 next exhibit.

7 COURT REPORTER: Okay. This will  
8 be Exhibit 117.

9 (Exhibit 117 marked).

10 MS. KRAMER: Thank you.

11 Exhibit 117. This is Bates  
12 CITY-00066634.

13 And I'll also mark the next  
14 exhibit, Exhibit 118, and this is Bates No.  
15 CITY-0066618.

16 (Exhibit 118 marked).

17 MR. LAKEY: His copies -- or I  
18 don't know. Well, I just want to make sure  
19 he doesn't get confused.

20 THE WITNESS: I can -- I can make  
21 it work. That's fine. Thank you. Yeah.  
22 I'm good.

23 Q. (BY MS. KRAMER) Okay. Mr. Daigle,  
24 what prompted you to attach these two letters to  
25 your report?

1           A.           Well, I was -- obviously we have a  
2 section in the recommendation here dealing with the  
3 Complaint. And so I wanted to document the steps  
4 that the City -- that Johnson City had taken. A lot  
5 of times this is the type of work that I do get  
6 involved in, and I think the fact that this  
7 documentation --

8           COURT REPORTER: Okay. We've lost  
9 you completely now, Mr. Daigle.

10          VIDEOGRAPHER: Should we go off the  
11 record?

12          MS. KRAMER: No. Hold on one  
13 second.

14          COURT REPORTER: Yeah. It was soft  
15 before, but then it completely cut out.

16          THE WITNESS: Okay. How about  
17 that?

18          COURT REPORTER: Now I can hear you  
19 fine, if it can stay that loud.

20          MS. KRAMER: Okay. Great.

21          Q.           (BY MS. KRAMER) So in -- we're  
22 looking at Page 32 of your report. And about the  
23 third line down you say, "While the department  
24 should have opened an internal affairs  
25 investigation, it is industry standard to initially



1 address any criminal allegations through the  
2 prosecutor's office."

3 Does that relate to your decision  
4 to attach these two letters to your report,  
5 Mr. Daigle?

6 A. Yes, and the fact that when I had  
7 met with Chief Turner, you know, his response to my  
8 questioning as to why there weren't taking  
9 additional action was, "Well, there was a criminal  
10 overview, and so we did what we're supposed to do."

11 And I want to acknowledge that  
12 there was a criminal audit or a criminal review,  
13 which is fine, but that doesn't alleve the  
14 department of adjusting the alleged misconduct.

15 Q. And so in your view, an internal  
16 affairs investigation should have been opened?

17 A. Yes.

18 Q. And to your knowledge, was an  
19 internal affairs investigation ever opened?

20 A. I don't know.

21 Q. I can represent to you that in this  
22 case City Manager Cathy Ball testified that the City  
23 was holding in abeyance the internal affairs  
24 investigation pending this lawsuit.

25 Does it make sense to you to hold

1 an internal affairs investigation in abeyance due to  
2 a civil lawsuit?

3 A. It does --

4 MR. LAKEY: Objection to form.

5 A. It does not.

6 Q. (BY MS. KRAMER) And what's the  
7 problem with waiting to conduct an internal affairs  
8 investigation?

9 A. So the purpose of an internal  
10 affairs investigation is for departments to  
11 determine bias. A lot of times the fact that  
12 departments hold those IA's is because attorneys  
13 make recommendations to them, but they don't  
14 understand the big picture.

15 And the big picture is that you  
16 have an obligation as a department to investigate  
17 misconduct and deal with the misconduct. And,  
18 unfortunately, if you hold misconduct out into  
19 abeyance, then the people that may or may not have  
20 done the misconduct either don't get identified  
21 and/or don't get cleared.

22 You know, somebody could be  
23 alleging misconduct that is not -- just falsely, and  
24 they have the right to have it cleared, too.

25 Unfortunately, this is something

1 that I do a lot of and, you know, it is very  
2 important for departments to identify the issue and  
3 investigate the issue and let litigation go its own  
4 track, the way it's supposed to.

5 Q. And so it's below industry standard  
6 to hold an internal affairs investigation in  
7 abeyance during the course of a civil lawsuit; is  
8 that correct?

9 MR. LAKEY: Objection to form.

10 A. It is not -- it is not industry  
11 standards to hold an administrative investigation in  
12 abeyance unless there is a pending criminal  
13 investigation.

14 A lot of states have a criminal  
15 toll which will toll the administrative  
16 investigation until the completion of the criminal.  
17 But now that this is completed, which is why I  
18 brought it up, there is no reason to delay it.

19 Q. (BY MS. KRAMER) What types of  
20 things would you do in conducting an internal  
21 investigation into the JCPD's handling of Shawn  
22 Williams' cases?

23 A. As I sit here today, I don't  
24 remember all of the allegations that were in the  
25 Complaint, but I would use the allegations as a

1 roadmap to try and identify the cases that were in  
2 there. And I would then attempt to identify the  
3 officers or the supervisors or the investigators. I  
4 would place them under Garrity and interview them  
5 and get down to the bottom of what actually  
6 occurred, bring more light onto the allegations.

7 Like I said, it could be -- it  
8 could be good or it could be bad. It could be  
9 somebody just didn't write something correctly, or  
10 it could be that it was, you know, intentional. And  
11 I think the department has an obligation to find  
12 that.

13 Q. The last sentence of this paragraph  
14 states, "The purpose of the investigation may have  
15 assisted us in locating or identifying documents  
16 specific to the JCPD's investigation of  
17 sexual-related cases that were not discovered during  
18 the DLG audit."

19 Can you explain what you mean by  
20 that?

21 A. That's directly to what I had said  
22 to you before, which is there's allegedly other  
23 documents. I don't know what these other documents  
24 are or why there is other documents. Why are they  
25 not contained in the case files, you know?

1                   And I say this over and over again,  
2                   but I truly believe it. The audit is not -- it is  
3                   not an intended negative consequence. It is to give  
4                   credit where credit is due and to find failures  
5                   where failures are identified. And, unfortunately,  
6                   if you don't -- if you don't have all the  
7                   information, then you can't give credit where credit  
8                   is due.

9                   Q.           If we look at Exhibit 118, this is  
10                  the letter from D.A. Finney.

11                  Do you see that?

12                  A.           Yes.

13                  Q.           And were you aware that this was  
14                  sent by D.A. Finney on his first day in office?

15                  A.           No.

16                  Q.           And you cite to this letter as --  
17                  I'll read from the paragraph in your report that  
18                  starts on September 1st, 2022. And the report  
19                  states, "On September 1st, 2022, District Attorney  
20                  General Steven R. Finney responded to Ms. Ball,  
21                  stating that after a review of the Complaint, he  
22                  does not have enough information to request a TBI  
23                  investigation."

24                  Did you make an assessment as to  
25                  whether there was enough information to request the

1 TBI investigation?

2 A. I did not.

3 Q. In your view, if this is District  
4 Attorney Finney's first day in office, does that  
5 seem like sufficient time for him to have determined  
6 that a TBI investigation is not warranted?

7 MR. LAKEY: Objection to form.

8 A. I don't know.

9 Q. (BY MS. KRAMER) Is one day  
10 typically enough time to make that determination,  
11 based on your experience?

12 MR. LAKEY: Objection to form.

13 A. I don't know.

14 Q. (BY MS. KRAMER) What kind of  
15 evaluation would you expect to go into the  
16 determination by District Attorney Finney that he  
17 does not have enough information to request a TBI  
18 investigation?

19 A. I would -- if I was in his  
20 position, it would be a review of the Complaint and,  
21 you know, as we know, there's no -- there's no  
22 requirement for truth in a Complaint, but I would  
23 review the Complaint and see if, on its face, there  
24 appeared to be any criminal -- significant criminal  
25 allegations.

1 I don't know what the protocol is  
2 in Tennessee to activate TBI and get a TBI  
3 investigation. So that's completely outside of my  
4 knowledge, world, and expertise in that.

5 Q. Do you know if D.A. Finney ever  
6 requested that the TBI open an investigation?

7 A. I don't know.

8 Q. What occasioned you to do an  
9 interview with Chief Karl Turner in December of  
10 2022?

11 A. Interesting way you asked that  
12 question, what occasioned me.

13 Are you asking why I did the  
14 interview or --

15 Q. Yes.

16 A. Because, you know, he's the CEO of  
17 the organization. So if you're doing an assessment,  
18 you know, you want to -- you want to involve the  
19 chief of police. It's his department, even  
20 though -- and ask him, you know, for some  
21 clarification on certain areas and to explain where  
22 my concerns were.

23 Q. Did anything happen in  
24 December 2022 that prompted you to request this  
25 meeting with Chief Turner?

1           A.           No. I was -- if you -- if you kind  
2 of see the dates, I was in the city that week  
3 interviewing everybody. So that was the -- that was  
4 that the week that I was there doing interviews.  
5 And so I kind of met with everybody while I was  
6 there across the board.

7           Q.           Did you tell Chief Turner that you  
8 believed that an internal investigation should have  
9 been initiated?

10          A.           I did.

11          Q.           And how did he respond?

12          A.           He -- I don't remember. Basically  
13 I think he said we had a criminal analysis, and  
14 I actually don't remember whether -- what his  
15 reasoning was, whether it was attorney -- whether  
16 the attorney said no, or I don't know.

17          Q.           But looking at this, the timing  
18 here, the criminal investigation.

19                       So it looks like here you've noted,  
20 right, that following the denial of a criminal  
21 investigation, the department should have moved  
22 forward with an internal investigation.

23                       So at that point, in September, you  
24 already know that a criminal investigation is not  
25 holding up the internal affairs investigation,



1 right?

2 A. Correct.

3 Q. And then now it's --

4 A. I don't know that I know at that  
5 point, because I'll just say that I don't know when  
6 I got these letters. It might have been in response  
7 to that meeting, but I don't know when I actually  
8 got these letters.

9 Q. Understood.

10 But regardless, if you're meeting  
11 with Chief Turner in December of 2022, he could not  
12 have believed that the criminal investigation was  
13 still the reason for holding up the internal affairs  
14 investigation; isn't that right?

15 MR. LAKEY: Objection to form.

16 A. No, and I don't think he did. I  
17 don't think I said that. I think -- I don't -- I  
18 think he -- because he said that a criminal review  
19 had occurred and was rejected, based on my  
20 recollection. So I don't think he -- he didn't make  
21 any statements to me that that was why he hadn't  
22 moved forward.

23 Q. I see. Maybe I misheard you.

24 So he -- that's not the reason that  
25 he gave for no internal affairs investigation for

1 being opened, and he did not offer any other  
2 explanation to you as to why an internal affairs  
3 investigation had not been opened.

4 MR. LAKEY: Objection to form.

5 A. Not that I recall, no.

6 Q. (BY MS. KRAMER) Do you believe that  
7 there are records relating to Sean Williams'  
8 criminal conduct that fell within the time period of  
9 January 2018 to July 2022 that were not provided to  
10 you?

11 A. I don't know.

12 Q. You don't know either way?

13 A. No. Because, like I said, the  
14 response to me was, "There's other records," but I  
15 don't know what they are or whether they should have  
16 been in the case files or not in the case files. So  
17 I don't know.

18 Q. And, again, when you're saying case  
19 files here, you're saying the files that were  
20 provided to you to do your audit, right?

21 A. Yes, ma'am.

22 Q. And sitting here today, you don't  
23 have any additional information about these other  
24 materials relating to Sean Williams --

25 MR. LAKEY: Object to the form.

1 Q. (BY MS. KRAMER) -- that you did not  
2 have the opportunity to review?

3 MR. LAKEY: Objection to form.

4 A. I didn't review them. So I don't  
5 know.

6 Q. (BY MS. KRAMER) You don't know  
7 anything about them beyond what is reflected in your  
8 report; is that right?

9 A. That's accurate.

10 Q. Did you have any discussions with  
11 anybody else at the City, other than Chief Karl  
12 Turner, about these additional documents?

13 A. I may have brought it to the  
14 attention of Sunny Sandos just to say, "Hey, this  
15 is -- this is what was said to me during the  
16 meeting. Is there anything -- you know, I just want  
17 to let you know."

18 She was my point of contact. So I  
19 tried to keep her apprised and, you know, keep her  
20 apprised that there was an issue, but that was as  
21 much as I know.

22 Q. Do you remember sending an email to  
23 her asking about the --

24 A. No, because I was there.

25 Q. So you may have had a verbal

1 conversation with her, but you can't remember any  
2 details.

3 A. No. When I left the office, I sat  
4 down with her and said, "Okay. This is what we did  
5 this week. We interviewed a bunch of people. We  
6 interviewed this and, by the way, I just met with  
7 the chief and he said there's a statement -- this  
8 was his statement. Take that for what it's worth.  
9 But if there's anything you need to get me, please  
10 let me know."

11 Q. And how did Sunny react to that?

12 A. She said, "I don't know what you're  
13 talking about, but let me see. Let me -- if there's  
14 something that you need to know, I will -- I will  
15 get it to you."

16 MS. KRAMER: I'll mark another  
17 exhibit, and this will be Exhibit 119. And  
18 the Bates is CITY-0066601-1.

19 (Exhibit 119 marked).

20 Q. (BY MS. KRAMER) Do you recognize  
21 this document, Mr. Daigle?

22 A. I don't, actually. It looks like  
23 it's an index of some sort.

24 MS. KRAMER: Why don't we mark the  
25 spreadsheet, also referred to as assessment

1 tool, and this will be Exhibit 119.

2 COURT REPORTER: Let's see. The  
3 next one will be 120.

4 MS. KRAMER: Thank you. This is  
5 Exhibit 120. The Bates is CITY-006643 --  
6 430. Excuse me.

7 (Exhibit 120 marked).

8 Q. (BY MS. KRAMER) Mr. Daigle, does  
9 this clarify for you what Exhibit 119 is?

10 A. It makes sense. One of my  
11 teammates must have made it for a template, and I  
12 don't remember it, so --

13 Q. Okay. Can we take a look at  
14 Exhibit 20, please?

15 A. Sure.  
16 120, you mean?

17 Q. 120. Thank you.  
18 And do you recognize this document?

19 A. Yes.

20 Q. What is this?

21 A. So this would be an example or is  
22 the -- is an assessment tool. And so it's a  
23 spreadsheet, for lack of a better term. It's an  
24 Excel spreadsheet, and across the top are going to  
25 be categories. And then each individual row is

1 going to be an independent case.

2 And, you know, as I think I  
3 explained to you before, we just kind of -- I sit  
4 there with the case file and I put in the case  
5 number and answer the questions, if I can, along the  
6 way as a way to -- as a way to assess some of the  
7 very important information that's in there. And  
8 then we -- I think there's a couple more documents  
9 that were provided to you, which kind of -- some of  
10 the outliers we would actually summarize in a little  
11 paragraph just to -- just because when you're going  
12 through volumes and volumes of documents, you're not  
13 going to remember and you have to be able to try and  
14 make it easy to go back to get things later.

15 Q. Is it accurate that Exhibit 119 is  
16 a key for the acronyms used on Exhibit 120?

17 A. Is it accurate that my team is more  
18 squared away than I am? Yes. It looks to be that  
19 somebody -- I don't know whether we did this or  
20 somebody else did this. I don't remember seeing  
21 this 119. So I don't know if that was made  
22 somewhere else, but --

23 Q. I can represent that it was  
24 produced from your case file.

25 A. Okay.

1 Q. But I understand you did not  
2 personally prepare this; someone from your team did.

3 Sitting here today, is it fair to  
4 say that using this key shown on Exhibit 119 allows  
5 the reader to understand the inputs on Exhibit 20?

6 MR. LAKEY: Object to form.

7 A. Yes. That was probably the reason,  
8 because the -- at the top of the page, they're so  
9 little that you can't -- I know I can't see them.  
10 So that would be what is at the top of the page per  
11 column.

12 Q. Certain of these entries are  
13 highlighted on Exhibit 120.

14 Do you see that?

15 A. Yes.

16 Q. Do you know why certain entries are  
17 highlighted?

18 A. Yes, because one of the last things  
19 that we did with these tools was to go back and  
20 identify which ones had arrests made for the  
21 evaluation and the report. And so it appears that  
22 the ones that are highlighted are because an actual  
23 arrest was made in the case .

24 Q. You testified earlier that the term  
25 unfounded, as you understood it from your interviews

1 with JCPD, meant that the crime occurred outside of  
2 the jurisdiction.

3 Do you remember that?

4 A. That was what I had written. That  
5 was what was on that -- on my notes from my  
6 interviews with Captain Peters, I believe. It was  
7 actually on the notes. Unfounded equals --

8 Q. Outside of jurisdiction; is  
9 that correct?

10 A. Yeah. That's what was on my notes.

11 Q. And is that -- based on your  
12 conversations with JCPD officers and investigators  
13 or supervisors, you believe that unfounded was the  
14 word they used to indicate outside of jurisdiction.

15 A. Yeah.

16 MR. LAKEY: Objection to form.

17 A. Yeah. It's pretty -- it's pretty  
18 clear I'm wrong, as I look at this, as there's a lot  
19 of unfounded in that area.

20 Q. So why don't we look at one of  
21 those. If you go to the top, this is Case  
22 No. W18000532. If we look all the way to the right,  
23 the case outcome -- or sorry. Let's go to the notes  
24 first.

25 Are you able to follow me on that?



1           A.           I just want to clarify. I'm  
2 listening to you. Go ahead. I'll be with you.

3           Q.           The notes say, "No follow-up.  
4 Unable to locate victim. Suspect interview? Victim  
5 12. Suspect 16." And then the case outcome it's  
6 noted, "Closed. Unfounded???"

7                       Looking at this, do you have any  
8 recollection of the assessment of this case?

9           A.           What do you mean by that?

10          Q.           Like do you remember looking at  
11 this, seeing these like multiple --

12          A.           I don't remember. I'd have to --  
13 the purpose of this assessment is not because I'm  
14 going to memorize the case, but I would go back and  
15 pull the case.

16                       But basically what it's telling me  
17 is that we don't know why it's closed unfounded,  
18 because that would be the kind of question mark,  
19 question mark, which is closed unfounded, and why?  
20 We don't -- there's not enough information in the  
21 file to explain to us why it's closed unfounded,  
22 especially if I can just take -- just taking there,  
23 I guess one of the reasons why I would have added  
24 closed unfounded there is I have a 12-year-old  
25 victim and a 16-year-old suspect, and that attracts

1 my attention just for the fact that it's a  
2 12-year-old victim.

3 So, again, this is -- this is kind  
4 of a great example of what I had to deal with.  
5 That's all the information that we have. That's the  
6 full case file, and there's just not enough  
7 information there to come to a conclusion.

8 Q. And if you look at -- it's right  
9 above the first bar of highlighting, but it's Case  
10 W18007303.

11 Are you following me there?

12 A. I am, yes.

13 Q. Okay. And this is another  
14 unfounded, correct?

15 A. Yes, ma'am.

16 Q. On this one the notes say, "Unable  
17 to locate," and then the case outcome says,  
18 "Unfounded???"

19 Do you see that?

20 A. Yes. "Suspect interview, unable to  
21 locate."

22 Q. And so is this another instance  
23 where you could not determine what basis JCPD had  
24 for having an unfounded disposition of this case?

25 A. Yes.

1           Q.           Looking at Exhibit 20, and I'll  
2           call this the assessment tool, is this the same tool  
3           that you applied across the entire time period that  
4           you conducted your audit?

5           A.           Yes, I believe so. I don't know  
6           what category of -- I assume this is rape under 11A.  
7           So I just don't know which -- pretty much they  
8           should all be pretty consistent. There might be a  
9           few -- there might be a category or two for the rape  
10          one versus the -- you know, like fondling or  
11          something, that would require the same steps. There  
12          would be less steps.

13          Q.           So in other words, this reflects  
14          the methodology you used, correct?

15          A.           Yes.

16          Q.           There may be some minor alterations  
17          based on the nature of the crime --

18          A.           Yes.

19          Q.           -- but it's the same methodology.

20          A.           Yes.

21          Q.           Does looking at this document  
22          refresh any memories about conversations you had  
23          with JCPD relating to the unfounded status for  
24          closing a case?

25                       MR. LAKEY: Objection to form.

1           A.           No.  Actually, as I sit here right  
2           now, I have no idea what that means, right, because  
3           I can't remember.

4                       So I was looking on what you  
5           provided before to see if there was a definition of  
6           unfounded, but I don't -- I do not remember it as I  
7           sit here.

8                       MS. KRAMER:  I'm going to mark  
9           another exhibit.  This will be Exhibit 121.

10                      COURT REPORTER:  Yes.

11                      (Exhibit 121 marked).

12                      MS. KRAMER:  And the Bates is  
13           CITY-0066434.

14           Q.           (BY MS. KRAMER) Looking on the left  
15           side column of Exhibit 121, Mr. Daigle, I'll draw  
16           your attention down to, it looks like, the eighth  
17           number from the bottom.

18                      This is -- it's November 7th, 2019,  
19           and the case number is W19013728.

20           A.           I see that.

21           Q.           And the fact that this is included  
22           here, you did -- let me ask it this way.

23                      If this case is included on your  
24           spreadsheet, you must have gotten something from  
25           JCPD for this case; is that right?

1           A.           Yeah. Usually a one or two-page  
2 incident report, computer-generated incident report.

3           Q.           And when you say usually a one or  
4 two-page incident report, is that because usually  
5 that's all that existed for a case file?

6           A.           Yes.

7           Q.           And it looks like this case, in the  
8 case outcome there's a note that says, "Active,"  
9 with five question marks.

10                       Do you see that?

11           A.           Yes.

12           Q.           Why would you have entered,  
13 "Active???"

14           A.           I like question marks.

15           Q.           Does that mean --

16           A.           The question was it appeared to be  
17 still active, even though it was a 2019 -- I'm  
18 sorry. Yeah, a '19 case. There didn't appear to be  
19 a closing on the case. It was just still in limbo.

20           Q.           And that means, when you're doing  
21 this analysis, the case is in limbo in 2022?

22           A.           2022 and into 2023.

23           Q.           Did you make any attempt to follow  
24 up with JCPD on the status of this case as you  
25 recall?

1 A. No.

2 Q. Was it unusual for you to find a  
3 case that was still open, or at least potentially  
4 active, dating back to 2019?

5 A. Well, it was unusual. The only  
6 thing I will tell you is that because there's --  
7 sometimes in sexual assault-related cases, they do  
8 stay open for a long period of time waiting for a  
9 CODIS hit or a sex assault kit to be processed by  
10 the forensic laboratory. That sometimes, depending  
11 on backlog, can take a while. Sometimes cases are  
12 open for longer because of that. But it is a long  
13 time. It's a couple of years.

14 Q. In the notes, again, for this same  
15 case, it says, "Suspect interview? Investigation  
16 dropped."

17 Was it clear to you whether this --  
18 whether any active investigation was happening on  
19 this case?

20 A. It was not clear, and it didn't  
21 look like the suspect was ever interviewed, and it  
22 didn't look like anybody had been doing anything on  
23 the case. At least there was no -- there was no --  
24 there was no reports or anything that showed -- no  
25 supplemental reports that showed continuous

1 activity.

2 Q. In conducting the audit, do you --  
3 did you have direct access to JCPD's case management  
4 system?

5 A. Initially I did. Their system was  
6 so convoluted that the only way that I -- because I  
7 don't really like people drawing my data sets. I  
8 want to draw my own data sets. I want my team to go  
9 there and draw the data sets. This way we -- it  
10 can't be manipulated in any way. And we started to  
11 do that, but we were having challenges because the  
12 only way we could access the JCPD's administrator  
13 was do it through a VPN tunnel with a computer in  
14 their network. And it just became very, very  
15 taxing. It became a waste of resources. So we had  
16 to subsequently request documents from them.

17 Q. So in other words, you could not  
18 have just gone into JCPD's computer system and  
19 pulled up this case and seen if there was any  
20 activity in the case. That was not something you  
21 were able to do.

22 A. Not once we got away from the VPN  
23 access.

24 Q. And were you provided any -- I  
25 don't know what the -- if there's a correct term for

1 this, but I'll call it an audit trail. It's a way  
2 to see whether a case file has been accessed through  
3 the case record system.

4 So, for example, you could see if  
5 some -- if an officer has gone in and updated notes,  
6 these audit trails would show entries into the case  
7 system.

8 Have you seen anything like that in  
9 connection with your work on this case?

10 A. No.

11 Q. Just in your experience generally,  
12 are you aware of something called an audit trail  
13 that allows for reviewing what activity has been  
14 made on an electronic case file?

15 A. Yes.

16 Q. In what context would you be  
17 looking at one of these audit trails?

18 MR. LAKEY: Objection to form.

19 A. I use the audit trails a lot in  
20 doing misconduct investigations. Meaning, you know,  
21 I can go in there and see who has accessed it, who  
22 has used it. We use audit trails a lot on body-worn  
23 cameras to see who has gone in and viewed it and who  
24 has looked at it. And so it really would be to  
25 verify whether someone has done what they're



1 supposed to do, and it's an audit trail. So it  
2 gives you the ability to audit.

3 Q. (BY MS. KRAMER) Would you expect  
4 that an internal investigation by JCPD relating to  
5 Sean Williams would include a review of the audit  
6 trails for the relevant members of the police  
7 department?

8 MR. LAKEY: Objection to form.

9 A. I would -- I would expect that if  
10 the system has the ability to articulate who had  
11 accessed specific case files, and we were doing an  
12 investigation specific to the allegations made  
13 involving Sean Williams, that that would have been  
14 something that you would look at.

15 MS. KRAMER: I'll mark another  
16 exhibit.

17 COURT REPORTER: This will be 122.

18 MS. KRAMER: This is Exhibit 122,  
19 and it's Bates No. CITY-0066593-1.

20 (Exhibit 122 marked).

21 Q. (BY MS. KRAMER) Mr. Daigle, do you  
22 recognize this document?

23 A. Yes.

24 Q. What is it?

25 A. So this is how -- this is basically

1 a printout of all case files under a category. So  
2 as you see, this is 11A, forcible rape. This is a  
3 printout of all the case files that are in the  
4 system under UCR Code 11A for the purpose of us to,  
5 you know, have it -- now we -- now I have something  
6 to sit here and make sure I'm getting every single  
7 case file based on the cases that are listed in this  
8 document.

9 Q. Where was this printed out from?

10 A. The department printed it out. I  
11 don't -- I don't know where it was printed. I  
12 assume it's part of their record management system  
13 to provide a summary report, because what we're  
14 looking for is just a few basic information, which  
15 would be the case number in the left margin, you  
16 know, the date, a little -- the unfounded, the  
17 disposition, and the investigators.

18 And so before I started what you  
19 see on 120 and 121, the first thing that we would  
20 get would be 122 and then we would ask -- we would  
21 go in and get case files for every one of these  
22 cases to do our assessment on 120 and 121.

23 Q. Okay. So this is a City-provided  
24 document?

25 A. Yes, ma'am .

1 MS. KRAMER: The next exhibit,  
2 Exhibit 122 --

3 COURT REPORTER: 123.

4 MS. KRAMER: 123. Thank you.

5 The Bates is CITY-0066433-1.

6 (Exhibit 123 marked).

7 Q. (BY MS. KRAMER) Do you recognize  
8 this document, Mr. Daigle?

9 A. Yes.

10 Q. And what is this document?

11 A. This is a summary document that we  
12 would put together as going through different cases,  
13 you know, that were going to be highlighted. So you  
14 would use the assessment tool and you would review  
15 the case.

16 Once we got to the end of the case,  
17 if the case had some concerns or something that we  
18 wanted to highlight in there, I then make a little  
19 summary sheet of the case. We're basically  
20 continuing to build our way up to drafting the  
21 report and trying to keep things organized in the  
22 audit and assessment.

23 Q. And you prepared this document,  
24 correct?

25 A. I was involved in it. Multiple

1 team members would go through it, and so we would  
2 add to it and evaluate it, yes.

3 Q. And that's under your supervision,  
4 correct?

5 A. Yes.

6 Q. And did you prepare report case  
7 notes for each of the types of crimes and each of  
8 the years that are included in your audit?

9 A. I don't think we did it for the  
10 lower -- we definitely did it for all the rape  
11 cases, because those were very significant. I don't  
12 remember. I don't think we did very much on the  
13 lower-level cases, like the -- there was no incest  
14 cases, but there was a handful of forcible  
15 fondlings. But basically we're -- what we're doing  
16 here in the summaries is we're identifying things  
17 that are causing us some concern with the way they  
18 were handled. So it's just a way to kind of  
19 continue to boil down information.

20 Q. We're going to return to a  
21 previously marked exhibit, which is Exhibit 115.  
22 That's right here for you.

23 Just on the first page of this  
24 exhibit, Mr. Daigle, this reflects your meetings  
25 with Town Manager, and that's Cathy Ball, right?

1 A. Yes, ma'am.

2 Q. Do you remember how many meetings  
3 you had with Cathy Ball?

4 A. A couple. Three or four. This one  
5 was significant. It was towards the end of the  
6 audit. And the reason why I know that is it's an  
7 old lawyer's trick. You never write on the first  
8 page of the notebook so that when you leave the  
9 notebook out, people can't read your notes, right?

10 So when it was time to sit down at  
11 the end, I put my thoughts on the first page in  
12 order to give Cathy Ball an update. This was at her  
13 request, because of -- they were going into -- they  
14 were going into budget time and they needed -- they  
15 needed to make some budget concessions to deal with  
16 some of the things that I would be finding.

17 I kind of knew what my findings  
18 were at this point, but I hadn't finalized my report  
19 yet. And so this was -- these were -- these, what  
20 you're seeing here, is kind of a just a summary of  
21 my conclusions that I was -- that I shared with her  
22 for consideration when she was thinking about what  
23 she was going to do for the budget year.

24 Q. Do you recall the date?

25 A. I don't know. I assume it's --

1 just because budgets are usually March, it's  
2 probably early 2023.

3 Q. And you'll notice here that this is  
4 a photocopy, obviously, and the bottom of the page  
5 is folded.

6 Do you have these documents still  
7 in regular hard copy?

8 A. Yeah, somewhere. Yes.

9 Q. Do you remember a Teams meeting  
10 with Cathy Ball on January 9th, 2023?

11 A. We would all -- we would have Teams  
12 meetings, and that would be -- so if you're saying  
13 that's the date, it doesn't seem unusual.

14 Q. Let's just -- without reference to  
15 this document, do you remember, sitting here today,  
16 a Teams meeting with Cathy Ball in January of 2023?

17 A. I don't know, without looking at  
18 it. Unfortunately, in the world we live in, I have  
19 a lot of those. So it's not -- it doesn't seem  
20 unusual to me, but I don't know. I'm not going to  
21 say yes unless I look at my calendar.

22 Q. Okay. And you can't tell from  
23 these notes whether these notes reflect that phone  
24 call, right?

25 A. I cannot.

1           Q.           Okay. Generally, when you would  
2 speak with Cathy Ball, was somebody else on the  
3 phone?

4           A.           Usually when we would have a Teams  
5 meeting, they would be in their conference room, and  
6 there would be a handful of people in the room.  
7 Sometimes more than others.

8                       In this meeting, there was a --  
9 there was more people in the room than in other  
10 meetings. Sometimes it was just her and Sunny and  
11 the paralegal. And we probably had, you know, two  
12 or three Teams meetings as status updates.

13                      But when we went over this, I do  
14 remember that the then interim chief and the new  
15 captain of investigations was also in the room. I'm  
16 not sure who else was in the room.

17           Q.           Do you know if the Teams meetings  
18 were recorded?

19           A.           I didn't record them. So I don't  
20 know.

21           Q.           We're going to look at -- this is a  
22 previously marked exhibit.

23                      Okay. This is previously marked as  
24 Exhibit 57. The Bates number is CITY-0139814.

25                      So if you turn to the -- a few

1 pages in, it's the page Bates ending 0139819.

2 Do you see that page?

3 A. Yes, ma'am.

4 Q. And I can represent to you that  
5 these documents were produced by the City, and  
6 specifically from the City Manager, Cathy Ball.

7 Do you see your -- do you see the  
8 date at the top of the page?

9 A. Yes, ma'am.

10 Q. What's the date there?

11 A. January 19th, 2023.

12 Q. And you see below your name,  
13 Daigle, right?

14 A. Yes.

15 Q. And below that she notes,  
16 "Documentation '18, '19, '20. Documents are  
17 horrible. Fragmented. Staffing?"

18 Does it -- does this look to  
19 correspond with a phone call that you had with Cathy  
20 Ball on January 19th, 2023?

21 MR. LAKEY: Objection to form.

22 A. The topics seem reasonable. And if  
23 she wrote them down, I'm not going to --

24 Q. And then so it looks like she has  
25 some general notes. "Late October/November,



1 interview, forensic." And then below that are the  
2 words, "Worst ever seen. Need rest of case file."

3 Does that make you recall any  
4 content of the conversation that you had with Cathy  
5 Ball on January 19th, 2023?

6 MR. LAKEY: Object to form.

7 A. Well, I mean, I think it's pretty  
8 consistent to what we've talked about all day, which  
9 is, you know, documents are horrible and fragmented  
10 and we're missing documents.

11 Q. (BY MS. KRAMER) And so you believe  
12 you conveyed these words to Cathy Ball, and that's  
13 what's reflected in her notes here?

14 MR. LAKEY: Object to form.

15 A. Yeah, I definitely would -- would  
16 agree with the fact that I said it's the worst I've  
17 ever seen.

18 Q. (BY MS. KRAMER) And if you look at  
19 the -- a little further down, I think she's got this  
20 actually in quotes. It says, "This is terrible."

21 Do you think she's quoting you  
22 there?

23 MR. LAKEY: Object to form.

24 A. I don't know. It's possible.

25 Q. (BY MS. KRAMER) There's also a note

1 right above what I -- what I just read. It says,  
2 "John victim interviews."

3 Do you have any idea what that's  
4 referring to?

5 A. I don't. I mean, I can -- I don't.

6 Q. It looks like it says above, "Most  
7 concerning cases," and then it says, "John victim  
8 interviews."

9 That doesn't ring any bells for you  
10 on what you might have been discussing during this  
11 phone call?

12 MR. LAKEY: Object to form.

13 A. Only that John was the sergeant  
14 over records, and I'm still looking for victim  
15 interviews.

16 Q. (BY MS. KRAMER) Is it possible that  
17 John there is referring to a john, as in the context  
18 of potential prostitution?

19 MR. LAKEY: Object to form.

20 A. Doesn't really fit with victim  
21 interviews. So I don't -- I wouldn't use that  
22 terminology. So I don't know.

23 Q. (BY MS. KRAMER) If we turn to the  
24 next page it says, "Five or six years," and I think  
25 it's, "Paperless files."

1 Does that look right to you?

2 MR. LAKEY: Object to form.

3 A. It looks like it says that, yes.

4 Q. (BY MS. KRAMER) Did you discuss  
5 with Cathy Ball taking the JCPD department to a --  
6 to a paperless file system?

7 A. No. I think it's actually the  
8 opposite. I think that they were some form of a  
9 paperless file system, just don't know where the  
10 paper went.

11 Q. I see. Okay.

12 Because about two lines down it  
13 says, "Shred files."

14 So do you think this is a  
15 conversation that you had with Cathy Ball reflecting  
16 the issue of officers shredding paper documents?

17 A. Yeah.

18 MR. LAKEY: Object to form.

19 A. You can go paperless, but you've  
20 got to make sure everything is in it before you --  
21 that would probably be --

22 Q. (BY MS. KRAMER) If you turn to the  
23 next page, at the bottom the note says -- it says  
24 next to -- next to the No. 3 it says, "Interact with  
25 D.A. D.A. told us to close the case, not want to

1 cooperate. Affidavit standard. Just called D.A."

2 Is this in reference to what you  
3 testified to earlier in terms of having -- the  
4 importance of having documentation on whether a  
5 victim does not want to cooperate in a prosecution  
6 and having that go to the D.A.?

7 MR. LAKEY: Object to form.

8 A. I think it's what I talked about  
9 before, but it was more the fact that the D.A. has  
10 absolute immunity. So it's up to the investigators  
11 to document. It was more into that realm, which is  
12 you just can't -- you've got to have documentation  
13 so that if it comes back, you know what the outcome  
14 is.

15 Q. (BY MS. KRAMER) And so you conveyed  
16 to Cathy Ball that the D.A. has absolute immunity;  
17 is that correct?

18 MR. LAKEY: Object to form.

19 A. Well, I mean, all D.A.'s have  
20 absolute immunity. So the key is that it's very  
21 difficult when -- in municipal operations it's  
22 usually the officer that gets sued, and we have to  
23 make sure there's some protections in play.

24 Q. (BY MS. KRAMER) Is it correct that  
25 you told Cathy Ball that the District Attorney has

1 absolute immunity, yes or no?

2 MR. LAKEY: Object to the form.

3 A. I probably did. I don't recall.

4 But if she wrote it down, I probably did.

5 MS. KRAMER: Okay. Let's take a  
6 short break. Let's resume at 5:00.

7 Can we go off the record?

8 COURT REPORTER: Okay. Yeah, we're  
9 going to go off the record.

10 MS. KRAMER: Yes, please.

11 VIDEOGRAPHER: Okay. We are now  
12 off the record. The time is 4:53 p.m.  
13 Eastern time.

14 (Off the record at 4:53 p.m.)

15 (On the record at 5:02 p.m.)

16 VIDEOGRAPHER: We are now back on  
17 the record. The time is 5:02 p.m. Eastern  
18 time.

19 BY MS. KRAMER:

20 Q. Mr. Daigle, if I can direct your  
21 attention back to Exhibit 57, these are Cathy Ball's  
22 notes of a conversation that she had with you that  
23 we were reviewing earlier.

24 Did I take your copy?

25 A. I don't --

1 Q. Oh, there it is.

2 And if I could direct you to the  
3 page with Bates ending 839. And these notes are  
4 dated April 25th, 2023.

5 Do you have any recollection of a  
6 call with Cathy Ball on April 25th, 2023?

7 MR. LAKEY: Ms. Kramer, I'm just  
8 going to say I think it may be 4/24.

9 MS. KRAMER: 4/24.

10 Q. (BY MS. KRAMER) Okay. On or  
11 about -- on or about April 24th, 2023, do you have  
12 a -- do you recall having a conversation with Cathy  
13 Ball on that date?

14 A. I don't recall, but there's no  
15 reason to doubt that I did.

16 Q. Okay. And I know these are not  
17 your notes, but at the bottom, near the bottom,  
18 there's a note here that says, "All departments  
19 share information, quote Ted Bundy."

20 Do you have any recollection of  
21 making a reference to Ted Bundy with Cathy Ball?

22 MR. LAKEY: Objection to form.

23 A. Yeah. Actually, I probably was --  
24 one of the things that -- I think the conversation  
25 here was RMS systems, and the way the RMS systems

1 are set up nowadays is so that all departments can  
2 see each other's. And, you know, it's well known  
3 that obviously in my past history as serial -- doing  
4 serial investigations is that Ted Bundy has always  
5 said that all you have to do to beat the system is  
6 kidnap in one jurisdiction, kill in another, and  
7 dump in a third.

8 And, unfortunately, departments  
9 weren't talking to each other well enough and,  
10 therefore, a lot of homicides went unsuccessfully  
11 completed.

12 So what I was telling them was  
13 that -- the point of it wasn't supposed to be about  
14 Ted Bundy, but the point of it was that nowadays RMS  
15 systems are built so that departments are online  
16 with each other. So you can see information, and  
17 you can search each other's information for  
18 investigative purposes and --

19 COURT REPORTER: Excuse me.

20 Can you say -- what kind of system  
21 was that?

22 THE WITNESS: I'm sorry, sir. RMS.  
23 Roger, Mike, Sam.

24 COURT REPORTER: RMS. Okay. Thank  
25 you.

1 Q. (BY MS. KRAMER) And does RMS stand  
2 for records management system?

3 A. It does, yes.

4 Q. And beneath that reference to Ted  
5 Bundy, the notes show, "Policies," underlined, and  
6 then in a circle, "D.A. not innocent."

7 Did you say anything to Cathy Ball  
8 that you can recall about the D.A. not being  
9 innocent?

10 A. My recollection was that, you know,  
11 there's -- we don't know -- we don't -- when our --  
12 when JCPD investigators are talking to the D.A.'s  
13 Office over the '18, '19, '20, we don't know what  
14 they're being told also from the D.A. side, right?

15 Like this is not -- this may not  
16 just be a JCPD issue. It may actually be a D.A.  
17 issue, too. We don't know what's going on. The  
18 only unfortunate part is that there's no  
19 documentation. So we don't know what guidance and  
20 direction the D.A.'s office is giving to JCPD  
21 investigators. They might just be saying, "Hey,  
22 close the case," but that's still -- the obligation  
23 is still on JCPD investigators to document why.

24 Q. Okay. Let's put this aside for the  
25 moment, and we're going to mark another exhibit.



1           A.           You are going back on the plane  
2 lighter.

3           Q.           You have a shredder here, right?

4           A.           We'll make it go away.

5                       MS. KRAMER: I'll mark this  
6 Exhibit 124. The Bates number is  
7 CITY-0070596.

8                       (Exhibit 124 marked).

9           MR. LAKEY: Ms. Kramer, has he  
10 signed --

11           MS. KRAMER: We have it here today  
12 for his signature, yes.

13           MR. LAKEY: So you all will return  
14 it signed.

15           MS. KRAMER: Absolutely.

16           THE WITNESS: I did have to sign  
17 one in the other matter, too.

18           MR. LAKEY: Different orders in the  
19 cases.

20           Q.           (BY MS. KRAMER) Do you know what  
21 this document is, Mr. Daigle?

22           A.           It looks like a training ledger.

23           Q.           Does this appear to you to be what  
24 you described earlier in your testimony where you  
25 could see the topic of a training?

1           A.           I don't know if I got it in this  
2 way, but it seemed like -- so basically what it's  
3 showing is here's the course, the officer that took  
4 it, the rank, the date they started and ended it,  
5 the date they completed it, the grade. So it's a  
6 training ledger for purposes of identifying what  
7 training courses officers took.

8           Q.           And was this provided by the City  
9 to you for purposes of your audit?

10                   MR. LAKEY: Objection to form.

11           A.           I believe so.

12           Q.           (BY MS. KRAMER) Did you evaluate  
13 this document in connection with your audit of the  
14 Johnson City Police Department?

15           A.           No.

16           Q.           Have you seen documents like these,  
17 something that you called a training ledger, in your  
18 experience?

19           A.           Yes.

20           Q.           If you look at the -- all the way  
21 to the right, there's a grade and a percentage.

22                   Do you see that?

23           A.           Yes.

24           Q.           I'm noticing that almost every  
25 person has a 90 out of 100.

1 Do you see that?

2 A. Yes.

3 Q. Does that seem odd to you?

4 A. It might be an easy course, but not  
5 easy enough to get 100.

6 MS. KRAMER: Okay. We're going to  
7 mark another exhibit. This will be  
8 Exhibit 125.

9 All right. We'll hold off on  
10 marking the exhibit.

11 Q. (BY MS. KRAMER) So, Mr. Daigle, you  
12 testified to an on-site visit to JCPD; is that  
13 correct?

14 A. Yes, ma'am.

15 Q. Did you do that more than once?

16 A. Yes. I was there for multiple days  
17 in December.

18 Like more than one going there  
19 or --

20 Q. I see. Good -- fair clarification.  
21 How many visits did you -- or I  
22 guess tell me what -- you took a trip to do an  
23 on-site visit to the police department in Johnson  
24 City, correct?

25 MR. LAKEY: Object to form.

1 A. Yes.

2 Q. (BY MS. KRAMER) And you were there  
3 for multiple days; is that right?

4 A. Yes.

5 Q. And over that time period, you made  
6 more than one visit to the department; is that  
7 right?

8 A. Yes.

9 Q. Approximately how many days were  
10 you there?

11 A. Four.

12 Q. And approximately how many visits  
13 did you make to the department at that time?

14 MR. LAKEY: Object to form.

15 A. We actually -- we actually took  
16 over a room there, and we were working in and out of  
17 there all day for the time we were there. So we had  
18 a -- we took over the training room and made it our  
19 office. And so we were in and out of the building  
20 all day long.

21 Q. (BY MS. KRAMER) And is it your  
22 understanding that JCPD knew in advance that you  
23 were coming to do your audit, do a portion of your  
24 audit during this visit?

25 Is that fair?

1 MR. LAKEY: Object to form.

2 A. I would assume they did, yeah. I  
3 mean, I was having conversations. We weren't trying  
4 to surprise them. We were trying to set up  
5 interviews and get additional information.

6 Q. (BY MS. KRAMER) You weren't trying  
7 to surprise them.

8 What do you mean by that?

9 A. I mean, it wasn't -- sometimes we  
10 do inspections. When you do an inspection, you just  
11 show up, and you don't tell anybody you're coming.  
12 But in this case, we were trying to make good use of  
13 our time there to meet with different members of the  
14 department and to get the documents that we need.  
15 So they did know. I believe they knew we were  
16 coming.

17 Q. When you're doing an investigation  
18 of a police department and you just show up, what's  
19 the benefit of just showing up unannounced?

20 MR. LAKEY: Object to form.

21 A. In certain situations, it's to do  
22 an audit without preparation, you know. You just --  
23 in organizational studies or in different  
24 operational -- when we show up, you kind of get it  
25 in raw form. You see what's going on every day, but

1       that's not what we were doing here.

2               Q.           (BY MS. KRAMER) Would it concern  
3       you to have a JCPD captain advise investigators to  
4       update their case files in anticipation of your  
5       arrival?

6               MR. LAKEY:  Objection.

7               A.           What was the question?  Would it  
8       surprise me?

9               MS. KRAMER:  Jeff, can you read  
10       back my question, please?

11              COURT REPORTER:  Okay.  Hang on a  
12       second.

13              Let's see.  Okay.

14              Would it concern you to have a JCPD  
15       captain advise investigators to update their  
16       case files in anticipation of your arrival?

17              A.           It would concern me, yes.

18              Q.           (BY MS. KRAMER) Why would it  
19       concern you?

20              A.           Well, it just -- I'm an  
21       investigator at heart, and it's kind of like when  
22       you -- when you prepare for the inspection, you  
23       know -- I guess what I take from that is you weren't  
24       doing that already if you had to -- if you had to  
25       tell your people to get their stuff in order before

1 I got there versus, "Hey, just to let you know."

2 You know, I have no problem if he  
3 said, "Hey, just to let you know, Daigle's team will  
4 be here next week. They may want to talk to you."  
5 That's okay. That's fine. But, you know, "Get your  
6 stuff together before Daigle gets there," that's a  
7 whole different ball game. That's telling me that  
8 the captain didn't believe his people had his stuff  
9 together, so --

10 Q. What if the captain said, "Eric  
11 Daigle will be looking, and I don't want him to find  
12 that there are cases that nothing has been done in a  
13 while"?

14 MR. LAKEY: Object to form.

15 A. I don't think --

16 COURT REPORTER: Jon, can you make  
17 your objections a little bit louder? I'm  
18 still not sure exactly when you object.

19 MS. KRAMER: I hear you, Jeff.

20 MR. LAKEY: Object to form.

21 Q. (BY MS. KRAMER) I will -- I will  
22 restate.

23 Would it concern you for a captain  
24 to say to investigators, "Update cases that have  
25 sexual assaults or rapes, because I don't want

1 Daigle to find out that nothing has been done in  
2 those cases for a while"?

3 MR. LAKEY: Object to form.

4 A. That would concern me, yes.

5 Q. (BY MS. KRAMER) For the same  
6 reasons you described before?

7 A. Yeah. I mean, your house isn't in  
8 order.

9 Q. Now, I want to look back at some of  
10 these summary tables that you created in your  
11 report, Mr. Daigle.

12 Let me direct you to the page. So  
13 this -- let's start with Page 9.

14 I'm sorry. Go back two pages,  
15 please. Let's go to Page 7, and at the top there is  
16 a data summary chart.

17 Do you see that?

18 A. Yes.

19 Q. And that represents the total  
20 number of cases, the 326 that we've been talking  
21 about today, right?

22 A. Yes, ma'am.

23 Q. And then if you move forward to  
24 Page 9, you have Image 3.

25 A. I see that, yes.



1 Q. And Image 3 reflects for different  
2 years how the number of rape cases were closed.

3 Let me restate that.

4 Image 3 reflects rape cases and  
5 shows by year what the reason for closure was; is  
6 that correct?

7 MR. LAKEY: Objection to form.

8 A. Yes.

9 Q. (BY MS. KRAMER) And did you prepare  
10 these tables?

11 A. Yes. And so just to bring it full  
12 circle for you, this should be -- we had previously  
13 given Exhibit 122, and basically this takes  
14 Exhibit 122 and makes it into a chart for purposes  
15 of better analysis, just to make it very clear.

16 Instead of having to go through and  
17 count all these up, this -- you know, wherever this  
18 fit, this would be -- you know, you would take the  
19 years, and so '18, and then you would come over to  
20 the '18 rape cases, and that's how you would break  
21 down those cases into -- top left, the first one  
22 would show -- top left of the side.

23 Q. Understood.

24 And looking down and looking at  
25 Image No. 4, Image No. 5, Image No. 6, are these,

1 likewise, summary tables that you prepared using  
2 information from Johnson City?

3 A. Yes. And these would be instead  
4 of -- the first five are the individual years with  
5 rape cases, but then the rest of them are summarized  
6 in totality.

7 Q. And turning to Page 10, I'm looking  
8 at Image No. 7, this is, again, summary tables  
9 prepared by you based on data provided by Johnson  
10 City; is that correct?

11 A. Yes.

12 Q. Sitting here today, you have no  
13 reason to believe that those summary charts are  
14 inaccurate in any way, do you?

15 A. No.

16 Q. If we go to Page 28, there's -- I'm  
17 sorry. Page 26 of your report, there's Image No. 8.

18 A. Yes.

19 Q. And you prepared this chart,  
20 correct?

21 A. Yes.

22 Q. And this is based on the data  
23 provided to you by Johnson City, correct?

24 A. Yes.

25 Q. And is the same true for Image No.

1 9?

2 A. Yes.

3 Q. Turning the page, on Page 27 we  
4 have Image 10.

5 Is this table prepared by you based  
6 on data provided by Johnson City?

7 A. Yes.

8 Q. Is the table in Image 11 prepared  
9 by you based on the data provided to you by Johnson  
10 City?

11 A. Yes.

12 And just to clarify, the  
13 percentages in the last row are our math. So if  
14 they're wrong, it's on us.

15 Q. Moving to Page 28, the table in  
16 Image 12, is this a table prepared by you based on  
17 data provided by Johnson City?

18 A. Yes, ma'am.

19 Q. If you look at Page 24 of your  
20 report, Finding No. 4 states, "JCPD's process of  
21 closing investigations is flawed and inaccurate."

22 Do you see that?

23 A. Yes.

24 Q. Do you stand by that finding?

25 A. Yes.

1           Q.           If we move ahead to Page 31,  
2           Finding No. 5, "JCPD needs to ensure that all  
3           complaints of misconduct against the department,  
4           including anonymous complaints, are timely  
5           investigated."

6                       Do you stand by that finding?

7           A.           Yes, ma'am.

8           Q.           Did you find instances where  
9           complaints of misconduct against the department were  
10          not timely investigated?

11          A.           Yeah, just what we've talked about  
12          here today regarding the complaint made by Ms. Dahl.

13          Q.           The only complaint of misconduct  
14          against the department that you are aware of is the  
15          complaint made by Ms. Dahl; is that correct?

16          A.           That is correct.

17          Q.           And in this finding you say,  
18          "including anonymous complaints."

19                       Do you know why you would have  
20          included anonymous complaints, if you're referring  
21          to a complaint that took the form of a federal civil  
22          lawsuit?

23          A.           Well, I mean, I think that's a  
24          general statement that says that departments should  
25          take all complaints. The practice across the

1 country is that we take complaints, whether they're  
2 made by someone, whether they're anonymous or  
3 third-party. I don't know. That right there, I'm  
4 not dealing with specifically the Dahl case or any  
5 complaint, because we know -- we know who those  
6 people are. But just as a general practice, all  
7 complaints should be taken, whether you know who the  
8 complainant is or not.

9 Q. And that's true whether the  
10 complaint is -- or that remains true if a complaint  
11 is coming from a citizen; is that correct?

12 A. True.

13 Q. Moving to Page 33, Finding No. 6  
14 is, "Supervision was insufficient to ensure full,  
15 fair, and complete investigations."

16 Do you stand by that finding?

17 A. Yes.

18 Q. Looking at Recommendation No. 6, it  
19 says, "PD" -- I think that's police department,  
20 right?

21 A. Yes.

22 Q. "Police department supervisors  
23 shall conduct a periodic review of closed cases and  
24 cases where victims declined to participate in the  
25 investigation identifying any systemic problems.

1 Periodic reviews shall include a review of case  
2 files, recorded interviews, and victim and advocate  
3 feedback for investigate comprehensiveness and  
4 indications of bias."

5 Do you stand by that  
6 recommendation?

7 A. Yes.

8 Q. Do you know if JCPD has accepted  
9 this recommendation?

10 A. I don't.

11 Q. Let me phrase that differently.

12 Do you know if JCPD has implemented  
13 this recommendation?

14 A. I don't.

15 Q. Finding No. 7 says, "Department  
16 policies and procedures do not meet industry  
17 standards and legal requirements to investigate  
18 sexual assault investigations."

19 Do you stand by that finding?

20 A. Yes.

21 Q. Finding No. 8 on Page 34 says,  
22 "Department training is insufficient to effectively  
23 conduct unbiased sexual assault and related  
24 investigations."

25 Do you stand by that finding?

1           A.           Yes.

2           Q.           Following the -- well, let me ask  
3           you this.

4                       Once you completed your report,  
5           what did you do with respect to communicating to the  
6           City?

7           A.           I sent it to them, and there was --  
8           there was a handful of errors that they identified,  
9           scrivener's errors with spellings and people's names  
10          were wrong. We got back those. We made corrections  
11          and respond -- we returned back the report to them,  
12          because they were looking to release it.

13          Q.           Did anyone at the City express  
14          disagreement with your findings?

15          A.           Not to my --  
16                       MR. LAKEY: Objection to form.

17          Q.           (BY MS. KRAMER) Let me restate  
18          that.

19                       Did anybody from Johnson City  
20          express disagreement with any of the findings in  
21          your audit?

22                       MR. LAKEY: Objection to form.

23          Q.           (BY MS. KRAMER) Sorry. I did it  
24          again.

25                       Did anybody express to you -- did

1 anybody express to you -- no. Trying it again.

2 Did anybody from the City express  
3 to you disagreements with the findings that you made  
4 in your audit of sex-related crimes?

5 A. No.

6 Q. When was the last time you spoke  
7 with Cathy Ball?

8 A. Probably -- probably either right  
9 before release of the report or after or while the  
10 report was being released. I don't even remember  
11 speaking with her then, but that would -- I haven't  
12 had any contact with anybody since the report was  
13 released.

14 Q. How about D.A. Finney?

15 A. I haven't spoken to him since our  
16 interview in December of 2022.

17 Q. Have any members of the media  
18 reached out to you regarding your audit of  
19 sex-related crimes?

20 A. They call, but I don't take their  
21 calls.

22 Q. Are you aware of being contacted  
23 specifically for the audit of sex-related crimes you  
24 did for Johnson City?

25 A. Well, it made national -- it made



1 news all over the place. So I'm -- I'm -- we get  
2 phone calls all the time and, you know, I don't  
3 remember exactly who or when, but people do call.  
4 And we have a -- I have a no comment policy, so --

5 MS. KRAMER: Chris, can you tell me  
6 what the time is?

7 COURT REPORTER: I'm sorry.

8 MS. KRAMER: Chris, can you give me  
9 the time, please?

10 COURT REPORTER: Yeah, we have  
11 right about --

12 VIDEOGRAPHER: We're at --  
13 actually, we're at 27 minutes right now.

14 MS. KRAMER: So the total time?

15 VIDEOGRAPHER: 27 plus -- five  
16 hours and 37 minutes is where we're at.

17 So 37 plus 27 is -- hold on.  
18 Sorry. I can't do it on the fly.

19 So basically six hours, five  
20 minutes -- four minutes. Six hours, four  
21 minutes; is that right?

22 COURT REPORTER: Yeah, that's what  
23 I've got.

24 MS. KRAMER: Okay. Let me take a  
25 few minutes to go over my notes and see if

1           there are any additional exhibits that I  
2           want to mark. So let's take a --

3                     VIDEOGRAPHER: Off the record?

4                     MS. KRAMER: Thank you.

5                     VIDEOGRAPHER: Are we off the  
6           record right now?

7                     COURT REPORTER: Yes.

8                     VIDEOGRAPHER: Okay. We are off  
9           the record. The time is 5:31 p.m. Eastern  
10          time.

11                    (Off the record at 5:31 p.m.)

12                    (On the record at 5:42 p.m.)

13                    VIDEOGRAPHER: Okay. We are back  
14          on the record. The time is 5:42 p.m.  
15          Eastern time.

16       BY MS. KRAMER:

17                    Q.           Mr. Daigle, can I direct you to  
18          Page 28 of your report, please?

19                    A.           Yes, ma'am.

20                    Q.           And under the table reflected in  
21          Image 12, the report states, "During our review, we  
22          found significant cases closed as exceptional  
23          clearance, specifically prosecution declined and  
24          victim refused to cooperate."

25                    Could you read the next paragraph

1 for me, please?

2 A. "We conducted a deeper analysis of  
3 exceptional clearances related to the closure of  
4 rape cases. In evaluating 2018 to 2022 rape cases,  
5 the total number of exceptional clearances was 66.  
6 Of the 66 cases, in 17 cases, or 25 percent, the  
7 investigator cited the reason for the exceptional  
8 clearance as the victim being unwilling to prosecute  
9 or move forward with the investigation. In 21  
10 cases, or 31 percent, the investigator cited the  
11 reason for exceptional clearance as the victim being  
12 uncooperative. Most of these involve the  
13 investigator not being able to contact the victim or  
14 the victim not returning phone calls or messages.  
15 In 27 cases or 40 percent, the investigator cited  
16 the reason for the exceptional clearance as the  
17 prosecution declined based upon a conversation  
18 between the investigator and the prosecutor. A few  
19 had email exchanges, however, most were verbal  
20 conversations. In one case or one percent, the  
21 exceptional clearance was based on the fact that the  
22 suspect was deceased."

23 Q. Do you stand by the findings that  
24 are reflected in that paragraph, Mr. Daigle?

25 A. Yes, ma'am.

1           Q.           And what information did you obtain  
2           from the City in order to calculate these  
3           percentages?

4           A.           So we've gone through a lot of  
5           things to include the documents, 120, 121 and, more  
6           importantly, 122, which are the -- you know, the  
7           case conclusions that was identified in Exhibit 122.  
8           And that's where that information would come from.

9           Q.           Did you review any emails as part  
10          of your investigation -- or sorry.

11                       In connection with your audit, did  
12          you review any emails from JCPD?

13          A.           Emails and -- just any email? I'll  
14          just don't know what category. Emails sent from who  
15          to who?

16          Q.           Did you have the opportunity to  
17          look at any emails, for example, between an  
18          investigator and prosecutor?

19          A.           If they were contained in the case  
20          file.

21          Q.           Aside from an email being contained  
22          in the case file, did you have an opportunity to  
23          review any emails from Johnson City?

24          A.           No.

25          Q.           You didn't see any emails, for

1 example, between members of the department.

2 MR. LAKEY: Objection to form.

3 A. Unless they were contained in the  
4 disclosure of case files, no.

5 Q. (BY MS. KRAMER) Did you ask to see  
6 any emails to or from investigators?

7 A. No, because it's really not part  
8 of -- you know, if it -- if it's going to be  
9 audited, it should be part of the case file.

10 Q. If you can look back at  
11 Exhibit 116, and specifically I'm looking at Bates  
12 CITY-0066593-3. And this is the TIBRS Data  
13 Collection Manual exceptional clearances document  
14 that we reviewed earlier.

15 A. Yes, ma'am.

16 Q. Do you see that?

17 A. Yes.

18 Q. It says, "An incident is cleared  
19 exceptionally when a qualifying element beyond law  
20 enforcement control prevents a physical arrest. All  
21 four of the following conditions must be met to  
22 clear an offense by exceptional means."

23 Did I read that correctly?

24 A. Yes.

25 Q. No. 1 is, "The investigation must

1 have established the identity of at least one  
2 offender. This means the agency knows at least one  
3 offender's sex, race, age, ethnicity, and resident  
4 status."

5 No. 2, "Sufficient probable cause  
6 must have been developed to support the arrest,  
7 charging, and prosecution of the offender."

8 No. 3 is, "The exact present  
9 location of the offender must be known so that an  
10 arrest could be made."

11 And No. 4 is, "There must be a  
12 reason outside of law enforcement control preventing  
13 offender's arrest. The valid reasons and  
14 explanations are provided below."

15 Did I read that correctly?

16 A. Yes.

17 Q. Did you have any way to determine  
18 whether a case closed by exceptional means by the  
19 Johnson City Police Department met all four of the  
20 conditions reflected here in Exhibit 116?

21 A. No, and that's why I had concerns  
22 with the manner and mechanism of them closing these  
23 cases by exceptional clearances. Often a lot of  
24 this wasn't met.

25 By the way, just for the record,

1       there is -- this is just a snippet taken out of the  
2       TIBRS Manual. There is a whole section in the TIBRS  
3       Manual about exceptional clearances, which goes into  
4       way more detail of what this all means and how.  
5       Unfortunately, I spent way too much time trying to  
6       figure it out.

7                       But on its face, this is the rule.  
8       But the TIBRS Manual actually has additional  
9       information as to how to consider different things.

10                      But the answer to your question is  
11       a lot of times, in our review of the documents, the  
12       elements were not in the document that led to a  
13       conclusion or a close by an exceptional clearance.

14                      Q.       The portion of the TIBRS Data  
15       Collection Manual that you see in Exhibit 116, this  
16       is all that Johnson City provided to you; is that  
17       correct?

18                      A.       Yeah, but I have Google.

19                      Q.       And then so you went and  
20       independently found the other portions of the TIBRS  
21       Data Collection Manual relating to exceptional  
22       clearances; is that correct?

23                      A.       Yeah. I mean, as we talked about  
24       today, it was a subject of all of my sit-downs with  
25       people, because I was really trying to understand

1 the nuances which allows the investigators to close  
2 it by this means.

3 Q. And is it your understanding  
4 that -- let's take, for example, victim refused to  
5 cooperate.

6 Is your -- is it your understanding  
7 that if that's the clearance code, that for that to  
8 be correctly used to close a case, all four of the  
9 conditions identified in Exhibit 116 have to be met?

10 MR. LAKEY: Objection to form.

11 A. Yes, which is what makes it so  
12 difficult to understand.

13 Q. (BY MS. KRAMER) And when you say  
14 makes it so difficult to understand, what are you  
15 referring to?

16 A. Well, basically what this  
17 exceptional clearance is identifying is that it's  
18 telling you you have all authority under the law --  
19 sorry to you guys. I put my piece of paper up  
20 there.

21 All authority under the law to  
22 arrest the individual for the crime, but there is  
23 something that's allowing a clearance of that. And  
24 as I identified in my report, often that clearance  
25 was lumped into either prosecution declined or



1 victim uncooperative without the justification to  
2 support it.

3           You know, what does that mean?  
4 It's just, "I had a conversation with the prosecutor  
5 and they said drop it. Okay. Well, there's not  
6 enough here to support that." And that was -- it is  
7 very confusing. I'm going to tell you, we spent a  
8 lot of time trying to understand how it works.

9           And I'll be honest with you, I  
10 think you asked me this question before, I don't  
11 think the Johnson City Police Department understands  
12 how it works because of the -- because of the  
13 inconsistencies that they had in the manner to close  
14 it, so --

15           Q.           But you agree it's their  
16 responsibility to understand why they're closing a  
17 case, correct?

18           MR. LAKEY: Objection to form.

19           A.           Yes, because they have to submit it  
20 to the State.

21           MS. KRAMER: Okay. I don't have  
22 any more questions right now. I will  
23 reserve the rest of my time for follow up.

24           And thank you very much for your  
25 time today, Mr. Daigle.

1 THE WITNESS: Thank you.

2 MR. LAKEY: And just for the  
3 record, this is Jon Lakey. We've met during  
4 the -- during the course of the day. I  
5 represent Johnson City.

6 MS. KRAMER: I'm sorry, Jon.

7 COURT REPORTER: Hey, Jon, can you  
8 make your microphone a little bit louder?

9 MR. LAKEY: Yes, I will.

10 MS. KRAMER: I do have one more  
11 question. I'm sorry. It's going to be  
12 fast. I'm sorry about that.

13 BY MS. KRAMER:

14 Q. Sorry, Mr. Daigle. I almost let  
15 you go, but I realized I asked you earlier if you  
16 had spoken with any defense counsel prior to your  
17 deposition today, and you told me about your  
18 conversation with Danny Rader, correct?

19 A. Yes.

20 Q. And I didn't actually ask you by  
21 name if you had had any other conversations. So  
22 I'll do that just to make that question more clear.

23 Did you talk to Erick Herrin prior  
24 to your deposition today?

25 A. No.

Q. Have you talked to Erick Herrin  
ever?

A. I believe I have at some point. I just I don't know whether it was to set up -- I don't -- it wasn't a substantive conversation. I might be completely wrong, but the name sounds familiar to me.

Q. You didn't interview him in connection with the audit that you did of the Johnson City Police Department sex crimes investigations, correct?

A. I did not interview any attorneys,  
no.

Q. Have you spoken to Emily Taylor prior to your deposition today?

A. No. I'm only getting confused because there's so many emails. We talked about the emails. So other than -- but physical talking, I don't think so.

Q. About Kristen Berexa, did you speak with Kristen Berexa prior to your deposition today?

A. Not to my knowledge.

Q. And how about Keith Grant? Did you speak to him prior to your deposition today?

A. No.

1 MS. KRAMER: Okay. Now I'm done.  
2 Thank you.

3 THE WITNESS: Thank you.

4 MR. LAKEY: Just real quick, what  
5 time are we at, total time used?

6 COURT REPORTER: Let's see. 5:42.

7 VIDEOGRAPHER: That's 12 minutes  
8 for this.

9 MR. LAKEY: That's six hours and  
10 16 minutes by my math.

11 Does that sound right?

12 VIDEOGRAPHER: Yes, I think so.

13 MR. LAKEY: Okay. So just so we're  
14 clear on the record, Mr. Daigle, I'm Jon  
15 Lakey. I represent the City of Johnson  
16 City, and we're reserving our questioning  
17 until -- I think we're set to come back to  
18 your beautiful area on August 19th for your  
19 deposition when the defendants will depose  
20 you.

21 And, as Ms. Kramer said, she's  
22 reserved some follow up. And if we don't  
23 use up all our time, we may just follow up  
24 right after she's done.

25 Is that acceptable?

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THE WITNESS: Yes, sir.

MR. LAKEY: Okay. Thank you.

COURT REPORTER: Is that it?

MS. KRAMER: That's all she wrote.

VIDEOGRAPHER: Okay. We are off  
the record. The time is 5:55 p.m. Eastern  
time.

FURTHER THIS DEPONENT SAITH NOT.

(Deposition ended at 5:55 p.m.)

C E R T I F I C A T E

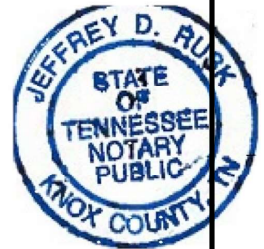
STATE OF TENNESSEE:

COUNTY OF KNOX:

I, Jeffrey D. Rusk, Registered Professional Reporter and Notary Public, do hereby certify that I reported in machine shorthand the foregoing proceedings; that the foregoing pages, inclusive, were prepared by me using computer-aided transcription and constitute a true and accurate record of said proceedings.

I further certify that I am not an attorney or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my hand and official seal  
this the 10th day of June, 2024.



Jeffrey D. Rusk, RPR, CLVS  
Notary Public at Large  
My Commission Expires: 4/29/2026  
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